

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

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**WILLIS ABEGGLEN, et al.,**

**Plaintiffs,**

**-vs-**

**CASE NO. 10-CV-110**

**TOWN OF BELOIT, et al.,**

**Defendants.**

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**DEPOSITION OF ROBERT MUSEUS, was taken at  
the instance of the Plaintiffs, under and  
pursuant to the provisions of the Federal Rules  
of Civil Procedure, and the acts amendatory  
thereof and supplementary thereto, before me,  
CHRISTINE A. MORAN, RPR, and Notary Public in and  
for the State of Wisconsin, at the Beloit Fire  
Department 2445 South Afton Road, Beloit,  
Wisconsin, on the 1st day of September, 2010,  
commencing at 12:03 o'clock in the afternoon.**

Page 2				Page 4			
1	A P P E A R A N C E S			1	P R O C E E D I N G S		
2	RETTKO LAW OFFICES, S.C., 15460 West			2	(Exhibits 21-30 were marked.)		
3	Capitol Drive, Suite 150, Brookfield, Wisconsin			3	ROBERT MUSEUS, called as a witness		
4	53005, by MR. WILLIAM R. RETTKO, appeared on			4	herein by the Plaintiffs, after having been first		
5	behalf of the Plaintiffs.			5	duly sworn, was examined and testified as		
6	ZALEWSKI, KLINNER & KRAMER, LLP, 1500			6	follows:		
7	Merrill Avenue, P.O. Box 1386, Wausau, Wisconsin			7	EXAMINATION		
8	54401-1386, by MR. RICHARD W. ZALEWSKI, appeared			8	BY MR. RETTKO:		
9	on behalf of the Defendants.			9	Q Would you state your name for the record.		
10	ALSO PRESENT: Kris Eastman,			10	A My name is Robert Museus, M-U-S-E-U-S.		
11	Willis Abegglen and Mary Abegglen.			11	Q Have you given a deposition before in a civil		
12	I N D E X			12	lawsuit?		
13	WITNESS	EXAMINATION	PAGE	13	A Yes.		
14	ROBERT MUSEUS	By MR. RETTKO	4	14	Q I know you sat through Chief Wilson's deposition,		
15	E X H I B I T S			15	but a couple reminders. I'm going to be asking a		
16	EXHIBIT NO.	DESCRIPTION	ID'd	16	series of questions here, and at this point in		
17	21	Article from The Flint Journal 1/16/02	8	17	time you're being represented by Attorney		
18	22	Article from The Flint Journal 1/20/02	9	18	Zalewski. If he makes any objection to any of my		
19	23	Memo to Town Employees from Museus	15	19	questions, I'd appreciate if you would allow him		
20	24	Memo to Town Board from Museus 2/9/09	60	20	to make his objection on the record. If he does		
21	25	Letter to Fladthammer from Museus 4/13/09	79	21	not tell you to not answer the question, then I		
22	26	Letter to Bogdonas from Museus 6/8/09	80	22	will be kindly asking you to answer the question		
23	27	Memo to Town Board from Museus 11/25/09	81	23	subject to his objection, okay?		
24				24	A (Nods head.)		
25				25	Q If in the event I'm asking a question you don't		

Page 3				Page 5			
1	28	Memo to Lengjak from Museus 3/1/10	86	1	understand what it is I'm asking, let me know		
2	29	Letter to Abegglen from Museus 3/29/10	87	2	that before you provide an answer. Any time you		
3	30	Town of Beloit Job Description - Data	87	3	provide an answer to any of my questions, I'm		
4	Entry Clerk			4	going to assume you understood the question being		
5	R E Q U E S T E D I T E M S			5	asked, okay?		
6	None			6	A Yes.		
7	M A R K E D Q U E S T I O N S			7	Q I'm anticipating the deposition going probably		
8	None			8	about three, three and a half hours. If you need		
9	(Original Exhibits 21 through 30 were sent with the			9	to take a break at any time for any reason, let		
10	original and copies of the transcripts.)			10	me know that, okay?		
11	(The original transcript was sent to Attorney			11	A Yes.		
12	Rettko.)			12	Q And your date of birth, sir?		
13				13	A December 30th, 1955.		
14				14	Q And the year you graduated high school?		
15				15	A 1974.		
16				16	Q And your highest level of education?		
17				17	A I've a Master's degree.		
18				18	Q And when did you obtain that?		
19				19	A 1991.		
20				20	Q Where from?		
21				21	A Hamline University.		
22				22	Q And your major?		
23				23	A Public administration.		
24				24	Q And where did you get your Bachelor's degree at?		
25				25	A University of Minnesota.		

## Willis Abegglen vs. Town of Beloit

9/1/10

## Deposition of Robert Museus

Page 6	Page 8
<p>1 Q And the year?</p> <p>2 A 1979.</p> <p>3 Q And your major?</p> <p>4 A History.</p> <p>5 Q Do you have any intent to take another job by</p> <p>6 next August?</p> <p>7 A No.</p> <p>8 Q Then I should get your current home address?</p> <p>9 A 636 East Waterford Drive.</p> <p>10 Q And that's Beloit?</p> <p>11 A Beloit.</p> <p>12 Q And since your -- It looks like you graduated in</p> <p>13 1979 from the University of Minnesota and didn't</p> <p>14 get your Master's until 1991, so I'm assuming</p> <p>15 there was some work history in between there?</p> <p>16 A Yes.</p> <p>17 Q What's was the first employment you had after</p> <p>18 graduating the University of Minnesota in '79?</p> <p>19 A I was an officer in the United States Army.</p> <p>20 Q When you say an officer, what rank did you hold?</p> <p>21 A I left the service as a First Lieutenant.</p> <p>22 Q And you were in the Army from 1979 till when?</p> <p>23 A 1983.</p> <p>24 Q When you left the United States Army in 1983,</p> <p>25 where did you go to work?</p>	<p>1 A Yes.</p> <p>2 Q After you left there, where did you go?</p> <p>3 A I became the administrator for the Town of</p> <p>4 Beloit.</p> <p>5 Q When did you start that?</p> <p>6 A January 2nd, 2003.</p> <p>7 Q Why did you leave Swartz Creek?</p> <p>8 A I left because there was a changeover in the City</p> <p>9 Council and I no longer felt I had the support of</p> <p>10 the Council.</p> <p>11 Q I'm going to show you what's been marked as</p> <p>12 Exhibit 21. I'm going to identify for you</p> <p>13 Exhibit 21 is a -- it's from The Flint Journal,</p> <p>14 an article of January 16th, 2002?</p> <p>15 A Uhm-hum.</p> <p>16 Q It's titled, Hearing to decide fate of manager,</p> <p>17 Council mulls Museus' fate.</p> <p>18 A Uhm-hum.</p> <p>19 Q Have you had the opportunity to read Exhibit 21</p> <p>20 the story that was written?</p> <p>21 A Yes.</p> <p>22 Q Is there anything that you can describe for me</p> <p>23 that might be inaccurate about the story from</p> <p>24 your perspective?</p> <p>25 A No. I think the facts are correct. I think that</p>
Page 7	Page 9
<p>1 A I became the administrator for the City of</p> <p>2 Rushford, Minnesota.</p> <p>3 Q How long did you remain the Administrator for</p> <p>4 Rushford, Minnesota?</p> <p>5 A Eight years. 1992.</p> <p>6 Q So you stayed there while you were getting your</p> <p>7 Master's degree at Hamline University?</p> <p>8 A Yes.</p> <p>9 Q So Rushford must be near Minneapolis?</p> <p>10 A No. It's about -- It's closer to Winona.</p> <p>11 Q Winona, okay.</p> <p>12 And after you left Rushford in 1992,</p> <p>13 where did you go?</p> <p>14 A I became the City Administrator for Hugo,</p> <p>15 Minnesota.</p> <p>16 Q How long did you remain there?</p> <p>17 A Eight years.</p> <p>18 Q So 2000?</p> <p>19 A Yes.</p> <p>20 Q And in 2000 where did you go?</p> <p>21 A Became the City Manager for Swartz Creek,</p> <p>22 Michigan.</p> <p>23 Q How long did you remain the city manager there?</p> <p>24 A Two years.</p> <p>25 Q 2002?</p>	<p>1 this is not -- There's nothing in the story that</p> <p>2 is the reason for me leaving the city, though.</p> <p>3 Q I show you what's been marked as Exhibit 22 in</p> <p>4 this particular case. I'm going to again</p> <p>5 identify for you this is from The Flint Journal</p> <p>6 dated January 20th, 2002. It's an article</p> <p>7 entitled, Swartz Creek manager resigns Strife in</p> <p>8 city office cited as cause?</p> <p>9 A Uhm-hum.</p> <p>10 Q Have you had an opportunity to review this</p> <p>11 article?</p> <p>12 A Yes, I have.</p> <p>13 Q It appears you resigned in advance of the city</p> <p>14 council voting to terminate your employment.</p> <p>15 Would I be accurate in saying that?</p> <p>16 A No.</p> <p>17 Q What is inaccurate about what I just said?</p> <p>18 A As I see it, there were two -- there were two</p> <p>19 council members who wanted my resignation. There</p> <p>20 was one that was on the fence and there were two</p> <p>21 that wanted to keep me. And instead of -- And</p> <p>22 basically I had a discussion with the city</p> <p>23 council member who was on the fence and I made</p> <p>24 the decision that I would not stay because I felt</p> <p>25 that even if I remained afterwards, the two city</p>

3 (Pages 6 to 9)

Willis Abegglen vs. Town of Beloit

9/1/10

Deposition of Robert Museus

Page 10	Page 12
<p>1 council members who were opposed to my service</p> <p>2 would make my life miserable. I think that if I</p> <p>3 had asked that city council member for her vote,</p> <p>4 she would have given it to me.</p> <p>5 Q Now, in here there's an individual on the next</p> <p>6 page of the article, by the name of Betty</p> <p>7 Shannon?</p> <p>8 A Uhm-hum.</p> <p>9 Q Now, she's in here indicating that Shannon said</p> <p>10 and some fellow staffers first became disgruntled</p> <p>11 shortly after Museus' arrival when he reorganized</p> <p>12 the duties and job descriptions of City Hall.</p> <p>13 And then she says in quotes here, I think he's a</p> <p>14 good man, but he wouldn't listen to any of us.</p> <p>15 Do you see that?</p> <p>16 A Yes.</p> <p>17 Q Do you have any recollection of that ever being</p> <p>18 an issue while you were City Manager there from</p> <p>19 your staff that you wouldn't listen to them?</p> <p>20 A No. I think Betty Shannon was an issue.</p> <p>21 Q Betty Shannon was an issue with you?</p> <p>22 A Yes.</p> <p>23 Q What was the issue with her?</p> <p>24 A When I got to the City of Swartz Creek, they had</p> <p>25 had some major turnover in the senior leadership.</p>	<p>1 of Beloit that you wouldn't listen to your staff?</p> <p>2 A No.</p> <p>3 Q Now, Betty Shannon also goes on to say that you</p> <p>4 wouldn't believe the stress this office has been</p> <p>5 through in the past year. Do you have any</p> <p>6 recollection of what stress it is she's referring</p> <p>7 to?</p> <p>8 A I think that perhaps she was under stress because</p> <p>9 she felt she was being held to standard. At that</p> <p>10 time when the Clerk departed, we hired a new</p> <p>11 Clerk who had different expectations than Betty.</p> <p>12 I think this all revolved around Betty. It</p> <p>13 doesn't revolve around anything else.</p> <p>14 Q Now, they go on in the article to talk about</p> <p>15 issues were raised in front of the Council</p> <p>16 regarding your employment. Do you have any</p> <p>17 recollection of what issues exactly were raised</p> <p>18 in front of the Council regarding your</p> <p>19 employment?</p> <p>20 A No. But I'll tell you exactly what the issue</p> <p>21 was. Betty was in the community, out in the</p> <p>22 community trying to undermine me. She became</p> <p>23 joined at the hips to an individual who ran for</p> <p>24 Council and won. The other Council member who</p> <p>25 was adamantly opposed to me was mad because I</p>
Page 11	Page 13
<p>1 The manager retired, I think under duress, and</p> <p>2 the Clerk retired leaving two subordinates to</p> <p>3 kind of move up in the clerical positions, and</p> <p>4 they hired a new City Manager. The new City</p> <p>5 Manager lasted less than two years and he was</p> <p>6 asked to resign. The conflict was between the</p> <p>7 two staffers, who was the Clerk and Treasurer at</p> <p>8 the time, Betty Shannon being the Treasurer.</p> <p>9 They were both incapable of doing the jobs they</p> <p>10 had been asked to do. I had -- I was responsible</p> <p>11 for removing the Clerk from her position and the</p> <p>12 Treasurer and I --</p> <p>13 Q Betty Shannon is the Treasurer?</p> <p>14 A Betty Shannon and I were in the conflict as well,</p> <p>15 So she was seeking to undermine me in the</p> <p>16 community.</p> <p>17 Q Now, in regard to issues of communicating with</p> <p>18 your staff, was that ever an issue with you at</p> <p>19 any of your prior employment at either Hugo,</p> <p>20 Minnesota, or Rushford, Minnesota?</p> <p>21 A No. I think if you talk to the staff members --</p> <p>22 I think if you talk to the staff members at</p> <p>23 Swartz Creek other than Betty Shannon, you will</p> <p>24 find that that's not true.</p> <p>25 Q Have you had any of those issues here in the Town</p>	<p>1 would basically not violate the law to benefit</p> <p>2 her employer. And all the commotion you see here</p> <p>3 is just a face of what they were trying to put on</p> <p>4 for the public. The rest of the Board was</p> <p>5 perfectly aware of what was going on.</p> <p>6 Q And near the end of the story on the third page</p> <p>7 they are talking to a Mayor Dennis Allen. Dennis</p> <p>8 Allen seems to indicate that there was a</p> <p>9 communication problem. What exactly was that</p> <p>10 communication problem?</p> <p>11 A I think what he was talking about was he was</p> <p>12 dancing around the issue of between me and one of</p> <p>13 the Council members over the bar she worked at.</p> <p>14 Q The bar?</p> <p>15 A I think if you would call Mayor Dennis Allen</p> <p>16 today, he would be highly supportive. He asked</p> <p>17 me to stay at the time.</p> <p>18 Q What bar and who are we talking about?</p> <p>19 A One of the, and I can't remember her name. One</p> <p>20 of the City Council members was an employee at a</p> <p>21 bar who had had a conflict with the neighboring</p> <p>22 property owner and it was over some snowplowing</p> <p>23 and gaining access to a parking lot, and after my</p> <p>24 review with the City Attorney, I made a decision</p> <p>25 the City was not going to get involved in the</p>

4 (Pages 10 to 13)

Willis Abegglen vs. Town of Beloit

9/1/10

Deposition of Robert Museus

Page 14	Page 16
<p>1 conflict. The City Council member became highly</p> <p>2 irate and at that point in time decided that I</p> <p>3 needed to leave.</p> <p>4 Q Was there any -- anything you learned about your</p> <p>5 experience in Swartz Creek in regard to</p> <p>6 communication issues within your staff at City</p> <p>7 Hall and yourself in regard to I wish I could do</p> <p>8 this differently and so in the future I'm going</p> <p>9 to do this differently?</p> <p>10 A You know, again, I do not believe that -- I think</p> <p>11 if you talk to people here, I'm a very open</p> <p>12 communicator. I think there are certain things I</p> <p>13 can't talk about for legal reasons or because</p> <p>14 there's policy things that are being generated</p> <p>15 that it's not appropriate to at the time, but I</p> <p>16 have a very open leadership style, and I don't</p> <p>17 think that the communications there was the</p> <p>18 issue. I think that was a red herring that went</p> <p>19 out for the press to justify what some of the</p> <p>20 City Council members wanted to do.</p> <p>21 Q The issue, as you see it, as I understand it, is</p> <p>22 Betty Shannon didn't like being put to task so</p> <p>23 she found ways to get rid of you?</p> <p>24 A That's correct. Well, that's part of it. The</p> <p>25 other part is the one City Council member who</p>	<p>1 grievances up their chain of command by going</p> <p>2 directly to Board members you know, Town Board</p> <p>3 members. Is that what was going on here and you</p> <p>4 wanted to make sure that that stopped?</p> <p>5 A I have no specific recollection of that</p> <p>6 occurring.</p> <p>7 Q How is it that you got information that certain</p> <p>8 employees were going directly to Town Board</p> <p>9 members before going through their chain of</p> <p>10 command to make complaints?</p> <p>11 A Again at that time I have no -- I have no</p> <p>12 recollection of any specific occurrence.</p> <p>13 Q Sounds an awful lot like what Betty Shannon was</p> <p>14 doing in Swartz Creek, though, right? Going,</p> <p>15 instead of up her chain of command to somebody --</p> <p>16 Is that correct?</p> <p>17 A I think that, yeah, I generally have a concern</p> <p>18 about employees playing politics, yes.</p> <p>19 Q Did you try to speak to any of the employees</p> <p>20 involved with -- who were going to these Town</p> <p>21 Board members as opposed to up their chain of</p> <p>22 command with grievances?</p> <p>23 A I have no specific knowledge of any individual</p> <p>24 doing that. So the answer would be no.</p> <p>25 Q At that time did you have any inkling that these</p>
Page 15	Page 17
<p>1 wanted me to force an adjacent property owner to</p> <p>2 allow access to her boss' parking lot.</p> <p>3 Q I'm going to show you what's been marked as</p> <p>4 Exhibit 23. Can you identify Exhibit 23 for the</p> <p>5 record?</p> <p>6 A Uhm-hum. Uhm-hum.</p> <p>7 Q What is it?</p> <p>8 A Oh, this is a memorandum that I sent to the town</p> <p>9 employees on November 30th (sic), 2009 indicating</p> <p>10 that I expected the personnel policy to be</p> <p>11 followed in handling grievances in the workplace.</p> <p>12 Q Okay. This memo, November 13th, 2009 regarding</p> <p>13 handling grievances within the workplace, what</p> <p>14 was the issue that came up at that time that</p> <p>15 required you to write this particular memo?</p> <p>16 A You know, to be frankly honest, I can't remember</p> <p>17 the specific instance. Let me think a minute.</p> <p>18 I can't think of any specific instance.</p> <p>19 I think in general there was some commotion and I</p> <p>20 wanted -- amongst the employees in the police</p> <p>21 department, and I think I wanted to indicate to</p> <p>22 them they needed to follow the process as</p> <p>23 outlined in the personnel policy handling this.</p> <p>24 Q In here it looks like that some employees had</p> <p>25 violated the policy of the town to take</p>	<p>1 employees were doing that because of fear of</p> <p>2 retaliation by their supervisors in chain of</p> <p>3 command?</p> <p>4 A No.</p> <p>5 Q Was there any thought on your part of a hostile</p> <p>6 work environment somewhere in the Town of Beloit?</p> <p>7 A No.</p> <p>8 Q As a Town Administrator, what does your job</p> <p>9 responsibility entail exactly?</p> <p>10 A Being in a small community, I have the general</p> <p>11 management responsibilities of planning to</p> <p>12 organize and directing staffing, coordinating,</p> <p>13 resourcing of town activities. I also serve as</p> <p>14 the Zoning Administrator for the Town of Beloit</p> <p>15 and the Personnel Manager among other hats.</p> <p>16 Q As part of that responsibility, you indicated you</p> <p>17 were Personnel Manager; is that right?</p> <p>18 A That's correct.</p> <p>19 Q And as part of that, what efforts, as the Town of</p> <p>20 Beloit Personnel Manager, did you take to prevent</p> <p>21 a hostile work environment from being created</p> <p>22 within one of the Town's various departments?</p> <p>23 A First off, I knew of no hostile work environment</p> <p>24 in any of the departments of the Town of Beloit.</p> <p>25 No. 2, generally we establish policies</p>

5 (Pages 14 to 17)

Page 18	Page 20
<p>1 in the town. When I got here, we established a 2 personnel policy and established processes where 3 employees could raise issues not only with me 4 directly but taking them directly to the Town 5 Board if they had a concern.</p> <p>6 I administered our union contracts, 7 which has a grievance process in it to identify. 8 I also have as a general process -- general 9 management style of kind of walking around among 10 the different departments and trying to get a 11 feel for how the activities are.</p> <p>12 We have established in the Town of 13 Beloit some personnel recognition policies. 14 Also, during the last few years we have 15 established employees -- employee activities to 16 try to develop morale.</p> <p>17 We did a town trap shooting team. We've 18 had picnics and potlucks. You know, I think it's 19 both in management programs and processes and 20 it's also trying to establish relationships with 21 employees.</p> <p>22 Q You mentioned that as part of your policy and 23 processes in regard to hostile work environments 24 that complaints could be taken directly to Town 25 Board members if there was a concern of</p>	<p>1 Q At that point when you heard that complaints were 2 going directly to Town Board members, did you 3 ever sit back and think maybe I should 4 investigate this to see if there's a hostile work 5 environment somewhere?</p> <p>6 A I've never heard any complaints going directly to 7 the Town Board.</p> <p>8 Q And what is it that you referred to in 9 Exhibit 23?</p> <p>10 A I think what I tried to do with that memo is to 11 reinforce to the town employees that there is a 12 process for dealing with these complaints and 13 that they should follow it. I do not believe 14 this memo was directed at any specific individual 15 or because of any specific occurrence.</p> <p>16 Q But yet there must have been some complaint or 17 something happening that caused you to sit down 18 and make that memo on November 13, 2009, right?</p> <p>19 A By the end of -- Well, during 2009 I received 20 numerous complaints through the collective 21 bargaining process, the grievances, and those 22 were all investigated. I had received other 23 complaints directly from employees that were 24 investigated. So there was this general activity 25 going on and I think I was just reinforcing the</p>
Page 19	Page 21
<p>1 retaliation.</p> <p>2 A No, that's not true.</p> <p>3 Q Did -- I caught that wrong then when you 4 testified.</p> <p>5 A Yes.</p> <p>6 Q What did you mean by taking complaints directly 7 to the town board?</p> <p>8 A Our personnel policy is very clear that any 9 complaints you have, you take to your department 10 head. If you don't feel the department head 11 resolves those complaints adequately, they can 12 bring those complaints to me. And if they feel 13 that I do not handle the complaint adequately, 14 they can provide written complaint to the Town 15 Clerk who will present those to the Town Board.</p> <p>16 Q Do you know whether or not any of these 17 complaints that you're referring to in Exhibit 23 18 were items that were presented from the Town 19 Clerk to the Town Board members?</p> <p>20 A May I see Exhibit 23?</p> <p>21 Q It's right here.</p> <p>22 A This one?</p> <p>23 MR. ZALEWSKI: This one here.</p> <p>24 THE WITNESS: No.</p> <p>25 BY MR. RETTKO:</p>	<p>1 process.</p> <p>2 Q So you had had complaints by the time that memo 3 was dictated on November 13th, 2009 of a hostile 4 work environment in the police department, 5 correct?</p> <p>6 A I do not believe I ever received a complaint on a 7 hostile work environment. The complaints I 8 received were regarding very specific actions 9 that the Chief had taken and those were all 10 investigated and handled.</p> <p>11 Q Were some of those actions in regard to 12 retaliation by the Chief?</p> <p>13 A No.</p> <p>14 Q So the Burkee complaint that was originally 15 investigated in November or December 2008 16 regarding the placing back of an incident into 17 his personnel file after the Chief was presented 18 a memo by Burkee and his union indicating that 19 Burkee hadn't received in-service training and 20 he's the only minority in the department, you 21 don't view as retaliation?</p> <p>22 A No.</p> <p>23 Q Why not?</p> <p>24 A Because I was personally knowledgeable of the 25 circumstances of that case having spoken -- The</p>



Page 22	Page 24
<p>1 Chief came to me asking that -- informing me that</p> <p>2 Burkee was a finalist for a position in another</p> <p>3 police department and that since this document</p> <p>4 would be pulled out of his record in six months</p> <p>5 anyway or certainly months because of our union</p> <p>6 contract requires it be removed in six months,</p> <p>7 that if I could do it a little early in this case</p> <p>8 to assist Mr. Burkee in his quest for employment,</p> <p>9 I agreed to do it subject to it being put back</p> <p>10 into the personnel file until the six month</p> <p>11 period ended. I spoke about that personally with</p> <p>12 Mr. Burkee as well and he was aware that was</p> <p>13 happening.</p> <p>14 Q So it's your testimony that when that document</p> <p>15 was placed back into Burkee's file it only</p> <p>16 remained in there for how much longer?</p> <p>17 A I don't know the specific period of time. It</p> <p>18 remains in the personnel file for six months of</p> <p>19 the date it was issued.</p> <p>20 Q So you're confident it's no longer in that file?</p> <p>21 A I would expect that no, it is not in that file.</p> <p>22 Q While you were -- When you first became employed</p> <p>23 here as the Town Administrator of the Town of</p> <p>24 Beloit, did you provide any training to any</p> <p>25 department head regarding how to identify and</p>	<p>1 A I -- My memory -- And it may be confused given</p> <p>2 the time. My memory is, is that it was handed to</p> <p>3 me by Officer Luzinski, who at the time was an</p> <p>4 officer of the union.</p> <p>5 Q When you received that complaint from Officer</p> <p>6 Luzinski, what did you do about it?</p> <p>7 A I had Officer Burkee come into my office and I</p> <p>8 discussed it with him.</p> <p>9 Q Do you have recollection of what it was you</p> <p>10 discussed with Burkee?</p> <p>11 A Yes, I do.</p> <p>12 Q What was that?</p> <p>13 A I asked Officer Burkee, you know, what happened</p> <p>14 here. He explained to me what I already knew,</p> <p>15 that he had -- he was looking to get an</p> <p>16 appointment in another community, that the Chief</p> <p>17 had decided not to give him the training that was</p> <p>18 required if he was going to leave and go to</p> <p>19 another community, that somehow once he</p> <p>20 determined he was not going to get that job,</p> <p>21 there was some slipup and he wasn't scheduled for</p> <p>22 the training. I asked him if he felt that he</p> <p>23 thought he was being treated differently because</p> <p>24 of race. He said no. He informed me that he had</p> <p>25 not filed any complaint with the union and he</p>
Page 23	Page 25
<p>1 prevent a hostile work environment?</p> <p>2 A No.</p> <p>3 Q When did you first learn about Officer Burkee's</p> <p>4 complaint that Chief Wilson had retaliated</p> <p>5 against him for raising an issue of racism?</p> <p>6 MR. ZALEWSKI: Object to the form of</p> <p>7 that question. Go ahead and answer if you can.</p> <p>8 THE WITNESS: You know, I don't remember</p> <p>9 that issue as a stand alone issue and I have no</p> <p>10 specific recollection.</p> <p>11 BY MR. RETTKO:</p> <p>12 Q Any prior complaints about Chief Wilson</p> <p>13 retaliating against his subordinates prior to the</p> <p>14 Burkee complaint?</p> <p>15 A No. That's my recollection.</p> <p>16 Q Any complaints about Chief Wilson using racial</p> <p>17 slurs before you heard about the Burkee</p> <p>18 complaint?</p> <p>19 A No. I know of -- Let me clarify. I know of no</p> <p>20 complaint or do I have any knowledge of the Chief</p> <p>21 using racial insensitive language prior to the</p> <p>22 complaint filed by the union.</p> <p>23 Q Going back to the Burkee complaint, how is it</p> <p>24 that you originally learned about the Burkee</p> <p>25 complaint in November or December 2008?</p>	<p>1 informed me that he thought that the complaint</p> <p>2 had been filed by Officer Luzinski without his</p> <p>3 knowledge.</p> <p>4 Q When you learned of that information, did you go</p> <p>5 have a meeting with Chief Wilson?</p> <p>6 A I had a discussion with Chief Wilson over the</p> <p>7 issue.</p> <p>8 Q What did you explain to him?</p> <p>9 A My instructions were to get him scheduled for the</p> <p>10 training.</p> <p>11 Q Did you explain to Chief Wilson who was behind</p> <p>12 writing the memo?</p> <p>13 A I don't have any specific recollection, but I</p> <p>14 expect that I would have informed him that --</p> <p>15 what Burkee informed me.</p> <p>16 Q Now, did you do any kind of an investigation into</p> <p>17 this allegation other than talking with</p> <p>18 Mr. Burkee?</p> <p>19 A No.</p> <p>20 Q Did you interview Willie Abegglen?</p> <p>21 A I don't remember doing so, no.</p> <p>22 Q What did you conclude when you completed that</p> <p>23 investigation?</p> <p>24 A I concluded that there had been a mistake made in</p> <p>25 not scheduling Burkee for training. Once we</p>

Page 26	Page 28
<p>1 realized that he was not going to be leaving the</p> <p>2 department, I thought it was inadvertent and just</p> <p>3 a clerical error. I believe that Officer</p> <p>4 Luzinski was trying to use that clerical error as</p> <p>5 leverage against the Chief and the department.</p> <p>6 Q And what made you come to the conclusion that</p> <p>7 Luzinski was using this as leverage against the</p> <p>8 Chief?</p> <p>9 A I think at the time we were being inundated with</p> <p>10 grievances and I felt that that was just a, kind</p> <p>11 of a typical union tactic.</p> <p>12 Q Did you have a meeting with Luzinski to discuss</p> <p>13 that?</p> <p>14 A No, I did not.</p> <p>15 Q Did you meet with anyone in the union to discuss</p> <p>16 that belief?</p> <p>17 A No, I did not.</p> <p>18 Q Why not?</p> <p>19 A I didn't I expect because it was just part of</p> <p>20 what was going on at the time, and we had any</p> <p>21 number of grievances being filed by the union and</p> <p>22 I did not take that as an unusual circumstance.</p> <p>23 Q Did you meet with Chief Wilson to discuss your</p> <p>24 belief that Luzinski was using this as leverage?</p> <p>25 A I have no specific recollection, but I expect I</p>	<p>1 A Actually, I have no recollection of this</p> <p>2 document. That doesn't mean that I didn't see</p> <p>3 it, but I have no recollection of it.</p> <p>4 Q Looking at Exhibit 4, it looks like it's part of</p> <p>5 Alan Levy's report. He's got a document that's</p> <p>6 marked -- it's not the same as Exhibit 3, but</p> <p>7 it's a memo to you from the police union,</p> <p>8 correct?</p> <p>9 A Correct.</p> <p>10 Q And attached to that is a list of racial slurs</p> <p>11 used in the department or in front of other</p> <p>12 officers, correct?</p> <p>13 A Yes.</p> <p>14 Q And that was what you received from the union?</p> <p>15 A Yes, it is.</p> <p>16 Q And that's what you asked Attorney Levy to</p> <p>17 conduct an investigation on, correct?</p> <p>18 A Correct.</p> <p>19 Q When was the first time that you would have</p> <p>20 gotten that complaint, do you recall, that's</p> <p>21 attached to Exhibit 4?</p> <p>22 A The exact date I don't know. I'm assuming it was</p> <p>23 either on the 12th of December '08 or shortly</p> <p>24 thereafter.</p> <p>25 Q When you got that memo with the attached</p>
Page 27	Page 29
<p>1 would have passed that information on to him.</p> <p>2 Q Why would you have done that?</p> <p>3 A I think it's a matter of communication back and</p> <p>4 forth with the Chief and what was happening in</p> <p>5 the department. Finding something that was</p> <p>6 happening in the department, I would share that</p> <p>7 information with him as I would with any other</p> <p>8 department head.</p> <p>9 Q And what purpose would that have served to Chief</p> <p>10 Wilson to have known that?</p> <p>11 A I think so he was aware of what the activities</p> <p>12 were of the union in his department.</p> <p>13 Q How would that have helped him be a better</p> <p>14 administrator?</p> <p>15 A I think it would help him by being aware that,</p> <p>16 what, just generally what is happening. He has a</p> <p>17 responsibility to be aware of everything that</p> <p>18 goes on in his department.</p> <p>19 Q If he knew it or not, what difference would that</p> <p>20 make in how he could administrate his department,</p> <p>21 to your understanding?</p> <p>22 A I don't know if there was any specific benefit.</p> <p>23 It was more of a general.</p> <p>24 Q Going back to Exhibit 3, have you ever seen that</p> <p>25 document before?</p>	<p>1 complaints, did you have any conversation with</p> <p>2 Chief Wilson about the union's allegations before</p> <p>3 you got in touch with Attorney Levy?</p> <p>4 A No.</p> <p>5 Q Did you have any conversations with Chief Wilson</p> <p>6 about the union's allegations before the Levy</p> <p>7 investigation and report was produced?</p> <p>8 A Specifically on this complaint on racial slurs?</p> <p>9 Q Right.</p> <p>10 A No.</p> <p>11 Q Did you talk to Chief Wilson about the union's</p> <p>12 efforts to gain leverage against him based on a</p> <p>13 recent complaint filed as of December 12th, 2008?</p> <p>14 A No.</p> <p>15 Q Why was it that you hired Attorney Levy to</p> <p>16 conduct this investigation?</p> <p>17 A Because I felt that the allegations made were</p> <p>18 severe and could result in disciplinary action</p> <p>19 including possible termination, so I sought both</p> <p>20 his legal guidance as the labor attorney</p> <p>21 representing the Town and I requested that he</p> <p>22 personally conduct the investigation on the</p> <p>23 allegations.</p> <p>24 Q When you say possible termination, what level of</p> <p>25 racial slurs would it take in your mind before an</p>



Page 30	Page 32
<p>1 administrator or Chief of Police would possibly</p> <p>2 be terminated going into the investigation? What</p> <p>3 was your thought on that?</p> <p>4 A There were -- I would say there are two items.</p> <p>5 There was the legal side of it and there was the</p> <p>6 emotional side of it. Emotionally I was highly</p> <p>7 perturbed at the Chief in doing this and I was</p> <p>8 concerned that it did not allow my emotions to</p> <p>9 run away with my judgment and my responsibilities</p> <p>10 to the community.</p> <p>11 Legally I'm not returning. I do know</p> <p>12 that people have been terminated from employment</p> <p>13 for the use of racial slurs, but I needed the</p> <p>14 Town's attorney's judgment and recommendation on</p> <p>15 it.</p> <p>16 Q Did you meet with the union at all before</p> <p>17 contacting Attorney Levy to get any clarification</p> <p>18 on this complaint or to find out exactly anything</p> <p>19 more specific?</p> <p>20 A No. I felt that the subject matter of the</p> <p>21 complaint was severe and needed immediate action.</p> <p>22 I believe that the same day, probably within a</p> <p>23 few hours of my receiving the complaint, that I</p> <p>24 had turned this over to Al Levy and asked for him</p> <p>25 to conduct the investigation.</p>	<p>1 Q Now Exhibit 4, the report, is dated January 2nd,</p> <p>2 2009, the front page of it?</p> <p>3 A Okay.</p> <p>4 Q Did you get an opportunity to meet with Al Levy</p> <p>5 when that report was completed?</p> <p>6 A My memory of the delivery of the report is not</p> <p>7 real clear. It may have been in a discussion on</p> <p>8 the phone, he may have E-mailed it to me and</p> <p>9 talked to me on the phone when it was completed,</p> <p>10 or there's a possibility he may have been coming</p> <p>11 in as part of a union negotiation at the time he</p> <p>12 handed it to me when he was here for that. I</p> <p>13 would not have brought him down specifically to</p> <p>14 talk to him about it, so -- I can't remember.</p> <p>15 Q Do you have any recollection of whether he wanted</p> <p>16 to talk to Chief Wilson about his report prior to</p> <p>17 January 2nd, 2009 and called you to have you</p> <p>18 arrange for that meeting?</p> <p>19 A No.</p> <p>20 Q Do you have any recollection of any meeting you</p> <p>21 may have had with you, Chief Wilson and Al Levy</p> <p>22 regarding his investigation?</p> <p>23 A No.</p> <p>24 Q Are you aware of any meeting that Al Levy had</p> <p>25 with Chief Wilson regarding the results of his</p>
Page 31	Page 33
<p>1 Q What kind of conversation did you have with Al</p> <p>2 Levy when you turned this document over to him</p> <p>3 and asked for the investigation?</p> <p>4 A I wanted a full, complete and impartial</p> <p>5 investigation, and I wanted his opinion on what</p> <p>6 the appropriate disciplinary action would be.</p> <p>7 And at that time I was fairly upset with John and</p> <p>8 I told Al -- I used the words keep me straight.</p> <p>9 Q Did you have any help or part in Al's conducting</p> <p>10 this particular investigation, in other words,</p> <p>11 arranging for times when officers were going to</p> <p>12 be interviewed or anything?</p> <p>13 A No, I don't believe so. My policy is to stay</p> <p>14 hands off the investigations.</p> <p>15 Q So everything conducted in the investigation</p> <p>16 would have been done at Al Levy's discretion?</p> <p>17 A He may have called me up and asked me to -- you</p> <p>18 know, to arrange a meeting with the Chief or</p> <p>19 something, I don't remember. But it would have</p> <p>20 been at his request of anything I did.</p> <p>21 Q During the course of this investigation, did you</p> <p>22 have any conversations with Al Levy in regard to</p> <p>23 what it was that he was finding out?</p> <p>24 A I don't -- I don't ask questions until the report</p> <p>25 is in my hands.</p>	<p>1 investigation that's been marked as Exhibit</p> <p>2 No. 4?</p> <p>3 A I have -- Only because it's been brought up a few</p> <p>4 times that I know that Al Levy went to the police</p> <p>5 department to conduct his interviews. I'm</p> <p>6 assuming that he talked to the Chief at that</p> <p>7 time. For what purposes, I don't know. I did</p> <p>8 not ask Al the specifics of his investigation or</p> <p>9 how he went about it.</p> <p>10 Q Now, you're aware of the fact that in review of</p> <p>11 Exhibit 4 that Mary Abegglen would have testified</p> <p>12 in that investigation, right?</p> <p>13 A Correct.</p> <p>14 Q Were you aware of exactly what it was she would</p> <p>15 have shared with Attorney Levy?</p> <p>16 A Only what's in the report.</p> <p>17 Q And when did you first learn about what Mary's</p> <p>18 testimony to him would have been?</p> <p>19 A When I received the report.</p> <p>20 Q Did you have any discussion with Chief Wilson</p> <p>21 about Mary Abegglen's testimony in this</p> <p>22 particular matter?</p> <p>23 A I don't remember discussing any -- anything, any</p> <p>24 testimony following the report with the Chief at</p> <p>25 any time.</p>

Page 34	Page 36
<p>1 Q Do you have any recollection of providing a copy 2 of the report that's been marked as Exhibit 4 to 3 Chief Wilson?</p> <p>4 A I would have -- Once the report was completed, I 5 would have forwarded a copy to the Chief. I 6 don't remember the exact details of that, but 7 that would have been routine.</p> <p>8 Q In January of 2009?</p> <p>9 A As soon -- Yes.</p> <p>10 Q Now, in that report Mary Abegglen's confirming 11 that Chief Wilson said nigger and she had told 12 him that he was -- that she was offended by that 13 word, his use of that word. Do you remember 14 reading that?</p> <p>15 A No. But if it's contained in the report, I would 16 not dispute it.</p> <p>17 Q Now, going to page 653, the Bates stamp in the 18 lower right corner, there's a list A to E 19 paragraphs A to E?</p> <p>20 A Correct.</p> <p>21 Q It identifies that officers feared retaliation 22 for testifying in this matter; do you see that?</p> <p>23 A Yes.</p> <p>24 Q Did you take any steps to find out why that fear 25 existed?</p>	<p>1 complaint about a specific occurrence to take 2 action on.</p> <p>3 Q Were there any other steps that you took to make 4 sure things were done fairly in the department 5 that you haven't mentioned otherwise in regard to 6 handling of grievances or this investigation?</p> <p>7 A I think throughout that period of time I stayed 8 actively involved with the department in 9 observing what was occurring in the 10 administration of the employees.</p> <p>11 Q How did you do that?</p> <p>12 A I stayed in numerous conversations with the 13 Chief. My own walk-through of the building to 14 try to get a feel for what was going on in the 15 department. Like I said, each and every 16 grievance that came forward was reviewed and 17 investigated. I brought in people from outside 18 the department and outside the Town to conduct 19 the investigations to make sure there was 20 fairness. I think this was an issue where you 21 had people on both sides drawing lines and 22 pointing fingers at each other in which case you 23 investigate the facts as they occur.</p> <p>24 Q When you say you did walk-throughs of the police 25 department, when did you begin doing those</p>
Page 35	Page 37
<p>1 A No. But I did tell the Chief that there would be 2 no retaliation for it.</p> <p>3 Q Is there any reason why you didn't want to -- or 4 why you didn't explore that issue further as to 5 finding out why these officers would tell Al Levy 6 they feared retaliation for testifying?</p> <p>7 A No.</p> <p>8 Q Why not?</p> <p>9 A I don't think that it -- the issue was raised to 10 a point that it was actionable.</p> <p>11 Q Didn't they cause you any concern at all to hear 12 that there were officers who were testifying to 13 an attorney under oath that they feared 14 retaliation?</p> <p>15 A I -- I would say that I was concerned that there 16 was conflict between the Chief and members of the 17 department, that I felt an obligation to make 18 sure that things were done fairly in the 19 department. Like I said, at that time we were -- 20 the union had provided a number of grievances and 21 I made sure that each of the grievances was dealt 22 with, the merits of the complaint. You know, a 23 general statement may raise a concern, but it's 24 not something you can take action on. You need 25 something specific. You need a specific</p>	<p>1 walk-throughs and how often would you do them?</p> <p>2 A I tried to get to each department once a week.</p> <p>3 Q When you say walk-through, is that just a -- 15, 4 20 minutes there or are you there half a day, all 5 day?</p> <p>6 A No shorter than that. Just a walk through to see 7 how people -- look them in the eyes and see how 8 people are reacting with each other, see how 9 people are relating to each other. I think every 10 police officer in the department knew me by name. 11 This was not an issue where they could not have 12 come to me in the hallway, and they did at times, 13 come into the hallway, or on the street, or stop 14 by my office. I had a very open door policy.</p> <p>15 Q How often did you meet with Chief Wilson?</p> <p>16 A At that time probably a couple of times a week.</p> <p>17 Q Generally how long did your meetings last with 18 him?</p> <p>19 A Oh, 10 minutes, something like that.</p> <p>20 Q And generally at those meetings, what would be 21 discussed?</p> <p>22 A Generally they were tied to what was going on in 23 the Town at the time, what the Board's 24 expectations were, if there were concerns being 25 raised by the public or by a board member, on the</p>

Page 38	Page 40
<p>1 police department or the police department</p> <p>2 activities, the Chief would bring up things that</p> <p>3 were of interest to him.</p> <p>4 Q When did you sit down and first have a chat with</p> <p>5 Chief Wilson about the report that's been marked</p> <p>6 as Exhibit 4?</p> <p>7 A I think probably the same day after I had</p> <p>8 informed Al to go ahead with the investigation, I</p> <p>9 informed the Chief that a complaint had been</p> <p>10 made, that Al was going to do the investigation,</p> <p>11 that I expected his full cooperation. And then I</p> <p>12 asked him if there was reason to believe that</p> <p>13 these allegations were true.</p> <p>14 Q What did he say?</p> <p>15 A He said that he had made those comments.</p> <p>16 Q Did you make any comments to him at that time?</p> <p>17 A I don't remember the exact words, but I think I</p> <p>18 said I was disappointed.</p> <p>19 Q Now, in regard to the report that's marked as</p> <p>20 Exhibit 4, you provided that report to Chief</p> <p>21 Wilson sometime in January 2009. Did you sit</p> <p>22 down and discuss it with him at that point? Did</p> <p>23 you talk about it?</p> <p>24 A We did have a discussion on the events, yes, and</p> <p>25 he gave me his side of it.</p>	<p>1 within six months of the --</p> <p>2 Q Where was that to take place?</p> <p>3 A That took place -- It was by a counselor in the</p> <p>4 City of Chicago.</p> <p>5 Q How fast -- Or how soon were you going to require</p> <p>6 that that counseling take place?</p> <p>7 A Well, he had six months from the date of the</p> <p>8 letter. I'm not sure -- I expect -- I think it</p> <p>9 happened within a couple of months.</p> <p>10 Q And then when that confirmation came from a</p> <p>11 counselor in Chicago that he had attended four</p> <p>12 hours of sensitivity training, then what</p> <p>13 occurred?</p> <p>14 A We required that it be documented. We placed it</p> <p>15 in his personnel file.</p> <p>16 Q How come a decision was made that there would not</p> <p>17 be any days of suspension to serve on something</p> <p>18 like that?</p> <p>19 A Again, that was based on the recommendation of</p> <p>20 our -- of Al Levy, our attorney. My</p> <p>21 understanding, his thought process on that was,</p> <p>22 number 1, he reviewed the recent court cases</p> <p>23 regarding police officers in similar</p> <p>24 circumstances and that the courts had not upheld</p> <p>25 termination or any more severe disciplinary</p>
Page 39	Page 41
<p>1 Q What did you tell him upon learning his side of</p> <p>2 the events?</p> <p>3 A Again, I can't remember the exact wordings, but</p> <p>4 I -- I -- I told him that there was no</p> <p>5 justification for the use of that language and it</p> <p>6 was unacceptable.</p> <p>7 Q I'm going to show you what's been marked as</p> <p>8 Exhibit 5, can you identify that document?</p> <p>9 A That's the letter of admonishment that I gave</p> <p>10 Chief John Wilson as a result of the</p> <p>11 investigation.</p> <p>12 Q And that's dated January 5th, 2009?</p> <p>13 A Correct.</p> <p>14 Q How did you arrive at that decision, the letter</p> <p>15 of admonishment as to discipline?</p> <p>16 A That was recommendation from our, the Town's</p> <p>17 labor attorney, Al Levy.</p> <p>18 Q Did you require any counseling or training with</p> <p>19 Chief Wilson at that time?</p> <p>20 A I did require that he attend sensitivity</p> <p>21 training.</p> <p>22 Q Is that identified in your letter of</p> <p>23 admonishment?</p> <p>24 A Yes, it is. The letter requires him to attend</p> <p>25 four hours of diversity sensitivity training</p>	<p>1 action on the first occurrence. The concept</p> <p>2 being in personnel actions that you take, you</p> <p>3 know, certain steps with employees, and since</p> <p>4 this was the first complaint, that after the</p> <p>5 complaint was made he stopped the inappropriate</p> <p>6 behavior, that Al believed this was the</p> <p>7 appropriate case to take.</p> <p>8 Q I'm going to show you what's been marked as</p> <p>9 Exhibit 6. Can you identify what that is?</p> <p>10 A That is John's apology to the Town Board for his</p> <p>11 use of language.</p> <p>12 Q And that's dated January 3rd, '09, right?</p> <p>13 A That's correct.</p> <p>14 Q Do you know how it was that he was able to make</p> <p>15 that memo of apology prior to you admonishing</p> <p>16 him?</p> <p>17 A I think that John realized that he had stepped</p> <p>18 across the line. I think he realized that both</p> <p>19 the Board and I were upset with him over his use</p> <p>20 of language and that he was reacting to us, not</p> <p>21 Al Levy's memo in that case. Or Al Levy's report</p> <p>22 in that case.</p> <p>23 Q Do you know if anyone advised him to write that</p> <p>24 letter of apology prior to your admonishment?</p> <p>25 A No. I have no knowledge.</p>

Page 42	Page 44
<p>1 Q I see the report of Levy's, January 2nd, 2009,</p> <p>2 the day before Museus writes this memo. Was --</p> <p>3 Do you have knowledge of whether or not Wilson</p> <p>4 knew about Levy's investigative findings prior to</p> <p>5 his writing the letter of apology?</p> <p>6 A I have no knowledge of him having any information</p> <p>7 of that before I gave him the findings.</p> <p>8 Q At the time you gave Wilson that letter of</p> <p>9 admonishment, did you give it to him personally?</p> <p>10 A Yes.</p> <p>11 Q Did you have any conversation with him about the</p> <p>12 situation at that time? Why you were admonishing</p> <p>13 him?</p> <p>14 A Again, I do not remember the exact specific</p> <p>15 conversation. I think that, like I said, I was</p> <p>16 highly perturbed with John at the time and I</p> <p>17 think that point was made to him.</p> <p>18 Q At that time was there any conversation with</p> <p>19 Chief Wilson that Willis and Mary Abegglen were</p> <p>20 out to get him? Did he ever tell you that?</p> <p>21 A At this time?</p> <p>22 Q Yeah.</p> <p>23 A No.</p> <p>24 Q After that time did he ever tell you that he felt</p> <p>25 Willis and Mary Abegglen were out to get him?</p>	<p>1 confidence vote was discussed and voted upon and</p> <p>2 that she had been pressured by the union to</p> <p>3 make -- the members of the union to vote for the</p> <p>4 no confidence and that they had threatened her</p> <p>5 that they would not support her on the street</p> <p>6 unless she fell in line.</p> <p>7 Q Was that her word that there was collusion going</p> <p>8 on to get rid of the Chief or is that your</p> <p>9 conclusion?</p> <p>10 A That's my word, but -- That's my wording for what</p> <p>11 she stated.</p> <p>12 Q What did she state, do you recall?</p> <p>13 A She stated that there was discussions amongst the</p> <p>14 officers that they would get rid of John by</p> <p>15 filing the charges for his use of racial language</p> <p>16 because a police officer once before had been</p> <p>17 brought up on charges and fired for that purpose,</p> <p>18 that they would use the vote of no confidence</p> <p>19 that would work against him, that at the time the</p> <p>20 discussions were held, and this was over a series</p> <p>21 of meetings, I understand, that Willis Abegglen</p> <p>22 then would become the Acting Chief, that</p> <p>23 Dransfield would become the Deputy Chief and</p> <p>24 Luzinski would be moved into the position of</p> <p>25 Sergeant.</p>
Page 43	Page 45
<p>1 A Yes.</p> <p>2 Q When did he first raise that?</p> <p>3 A The first time that I can remember was in late</p> <p>4 January.</p> <p>5 Q How was it it came up at that time?</p> <p>6 A It came up at that time when Officer Daphne</p> <p>7 Fisher requested to speak with me regarding what</p> <p>8 was occurring in the police department.</p> <p>9 Q And what did she -- She asked to speak with you.</p> <p>10 Did you agree to meet with her?</p> <p>11 A Yes, I did.</p> <p>12 Q Was the Chief present when you met with her?</p> <p>13 A Yes, he was.</p> <p>14 Q Where did the meeting take place?</p> <p>15 A This meeting took place at a restaurant in South</p> <p>16 Beloit at Daphne's request.</p> <p>17 Q What did you learn at that particular time from</p> <p>18 Ms. Wilson -- or Ms. Fisher?</p> <p>19 A Ms. Fisher -- What Officer Fisher informed me is</p> <p>20 that she had been at some union meetings where</p> <p>21 there was collusion to get rid of the Chief and</p> <p>22 to place certain members of the police department</p> <p>23 in leadership roles within the department.</p> <p>24 She informed me that she had also been</p> <p>25 in attendance at the meetings where the no</p>	<p>1 Q So, as I understand it, Fisher's relaying to you</p> <p>2 and Wilson in January 2009 something that had</p> <p>3 already occurred in December of 2008?</p> <p>4 A She informed me that, yes -- that these were,</p> <p>5 some of it was past meetings. She was</p> <p>6 concerned -- that Officer Winiarski had come to</p> <p>7 her, she worked the late night shift and driven</p> <p>8 up his squad car next to her and said that no one</p> <p>9 had her back, so-to-speak, and that if -- she was</p> <p>10 concerned for her own personal safety on the</p> <p>11 street.</p> <p>12 Q So the charges that were filed in December 2008</p> <p>13 you learned in January, late January 2009 were an</p> <p>14 effort by the union to get rid of the Chief?</p> <p>15 A That's correct.</p> <p>16 Q And that was already investigated and you already</p> <p>17 did whatever punishment you were going to do,</p> <p>18 right?</p> <p>19 A That's correct.</p> <p>20 Q And somehow in the conversation you had found out</p> <p>21 that the union had decided that if they got rid</p> <p>22 of Wilson, Abegglen would become Chief?</p> <p>23 A There was discussions to that, yes.</p> <p>24 Q And how was it that you came to the conclusion</p> <p>25 that both Mary and Willis were out to get Chief</p>

Page 46	Page 48
<p>1 Wilson?</p> <p>2 A Well, at that point in time I don't -- You know,</p> <p>3 Mary's role in it -- Yes, I do. It was because</p> <p>4 Daphne Fisher specifically said that -- and this</p> <p>5 is my terms, not Daphne's, but my recollection is</p> <p>6 Mary browbeat her into signing the -- I can't</p> <p>7 remember if it was either the complaint on the</p> <p>8 use of sexual language or the vote of no</p> <p>9 confidence. So at that time it was evident to me</p> <p>10 that Mary was actively involved in this.</p> <p>11 Q Is Mary in the same union as the police officers?</p> <p>12 A She was at that time, yes.</p> <p>13 Q And Willis is not part of that union?</p> <p>14 A No, he is not.</p> <p>15 Q I'm going to show you what's been marked as</p> <p>16 Exhibit 7. The date of that article is</p> <p>17 January 3rd -- or February 3rd, I believe,</p> <p>18 February 3rd, 2009 from the BDN Connection. It's</p> <p>19 a news article, No confidence in chief. Township</p> <p>20 officers adopt vote against Wilson. Do you see</p> <p>21 that?</p> <p>22 A Yes.</p> <p>23 Q Do you recall seeing this article in the paper in</p> <p>24 or around February of 2009?</p> <p>25 A I have a recollection, yes.</p>	<p>1 right?</p> <p>2 A Yes. Well, late -- Yes. It would have been</p> <p>3 prior to this meeting.</p> <p>4 Q And you had also gotten a request from Sergeant</p> <p>5 Dransfield requesting to get overtime if Sergeant</p> <p>6 Felger was getting overtime for the same</p> <p>7 situation, right?</p> <p>8 A I don't remember the exact date of that request,</p> <p>9 but I do remember that request, yes.</p> <p>10 Q And you met with Wilson about Sergeant</p> <p>11 Dransfield's request for overtime and Felger</p> <p>12 getting overtime, or allegations that Felger was</p> <p>13 getting overtime, right?</p> <p>14 A I did discuss those with the Chief, yes.</p> <p>15 Q Do you have a recollection exactly when that</p> <p>16 might have occurred?</p> <p>17 A No, I do not.</p> <p>18 Q When you met with Chief Wilson in regard to the</p> <p>19 overtime issue, what did you learn?</p> <p>20 A Which overtime issue?</p> <p>21 Q Regarding Dransfield's request and Felger's</p> <p>22 allegations, Felger's getting overtime?</p> <p>23 A Well, I think those are two separate issues.</p> <p>24 First off, when the complaint was made about</p> <p>25 Officer Felger receiving and requesting overtime</p>
Page 47	Page 49
<p>1 Q Did you take any action upon seeing this article</p> <p>2 in the paper?</p> <p>3 A No.</p> <p>4 Q Now, I see in the, about half -- about a quarter</p> <p>5 of the way down it says Town Administrator,</p> <p>6 Robert Museus, said Monday, Wilson is still</p> <p>7 working for the department, but wouldn't say much</p> <p>8 else. And then this is within quotes. The</p> <p>9 complaint has been investigated. The decision</p> <p>10 has been made and implemented, Museus said, again</p> <p>11 within quotes. I'm bound by the Freedom of</p> <p>12 Information Act on this. I'm really not free to</p> <p>13 talk about it. Do you see that?</p> <p>14 A Yes.</p> <p>15 Q Why did you believe the Freedom of Information</p> <p>16 Act prevented you from talking about this?</p> <p>17 A Because the advice I had received from our</p> <p>18 attorney at the time was that the investigation</p> <p>19 on the Chief, which I believe at that time was</p> <p>20 subject to a Freedom of Information Act request,</p> <p>21 that I shouldn't talk about it till we've gone</p> <p>22 through the due process and actually released the</p> <p>23 report.</p> <p>24 Q Now, prior to that article on February 3rd, 2009,</p> <p>25 you had met with Daphne Fisher and Chief Wilson,</p>	<p>1 inappropriately, I had an investigation made.</p> <p>2 When that was completed, we did some adjustments.</p> <p>3 If I'm right, we did some adjustments on his</p> <p>4 payroll and tightened up some of our personnel</p> <p>5 practices.</p> <p>6 The issues with Sergeant Felger's</p> <p>7 overtime I think, if my memory serves me right,</p> <p>8 fell in two categories. One, he made some</p> <p>9 remarks to people about overtime which were</p> <p>10 inappropriate, and I'm not sure exactly what the</p> <p>11 problem was at the end of it, but they were</p> <p>12 probably stupid comments.</p> <p>13 In actually investigating the timecards</p> <p>14 I would say that he was being aggressive in his</p> <p>15 claims for overtime but not clearly across any</p> <p>16 specific line. And, in fact, some of the</p> <p>17 overtime that he was denied, I probably</p> <p>18 personally would have approved payment on it if</p> <p>19 it would have been my decision. So I felt that</p> <p>20 that was an issue of management, administration</p> <p>21 of the department that we needed to make sure</p> <p>22 that the officers knew where the lines were, make</p> <p>23 sure the lines were clear and then have the</p> <p>24 timecards reviewed and approved by the Chief</p> <p>25 prior to going to the personnel for payment.</p>



Page 50	Page 52
<p>1 Q Did you tell Chief Wilson you were going to do</p> <p>2 anything about Felger making this request</p> <p>3 directly to you as opposed to going up his chain</p> <p>4 of command?</p> <p>5 A In which -- I'm not sure -- Felger's request?</p> <p>6 Q Actually Sergeant Dransfield. Did you tell</p> <p>7 Wilson that as a result of Dransfield making this</p> <p>8 request for overtime directly to you and pointing</p> <p>9 out Felger's use, alleged receipt of overtime,</p> <p>10 did you -- without first taking that up his chain</p> <p>11 of command, did you tell Wilson you were going to</p> <p>12 do anything about that?</p> <p>13 A No.</p> <p>14 Q Why not?</p> <p>15 A I would not have found that amiss. As I said,</p> <p>16 police officers often came in my office with</p> <p>17 issues. You know, I dealt with -- Like I said, I</p> <p>18 dealt with the issue with Sergeant Felger</p> <p>19 directly and I dealt with the issue with Sergeant</p> <p>20 Dransfield directly.</p> <p>21 Q Did you ever tell Chief Wilson in dealing with</p> <p>22 the Sergeant Dransfield issue that you were going</p> <p>23 to take care of this once and for all?</p> <p>24 A No, I did not. I don't even know what that</p> <p>25 statement would mean.</p>	<p>1 was -- the previous Chief of Police was heading</p> <p>2 out the door. He had resigned under duress. The</p> <p>3 Town Board Chairman at the time was Cos Daguanno</p> <p>4 and he came in and spoke to me, who had already</p> <p>5 served for many years as the Clerk Assessor for</p> <p>6 the Town of Beloit, and came to me and informed</p> <p>7 me that he thought that Tilly was being run out</p> <p>8 by Mary Abegglen and Willie Abegglen and some of</p> <p>9 the department members.</p> <p>10 He had informed me at that time that the</p> <p>11 same thing had happened to the previous Chief of</p> <p>12 Police, Leroy Drost, I believe is the name, and</p> <p>13 that he was concerned about it but there wasn't</p> <p>14 much they could do right now because Tilley had</p> <p>15 already resigned. That information and some</p> <p>16 conversations with some other board members,</p> <p>17 including the current Town Board chairman, seemed</p> <p>18 to be pretty common knowledge.</p> <p>19 Q That was Greg Groves?</p> <p>20 A Greg Groves, correct.</p> <p>21 Q I show you what's been marked as Exhibit 8.</p> <p>22 That's a news -- Gazette Xtra article, Town of</p> <p>23 Beloit investigates racial slurs --</p> <p>24 A Uhm-hum.</p> <p>25 Q -- dated February 10, 2009. They're talking</p>
Page 51	Page 53
<p>1 Q Around that same time the end of January, did you</p> <p>2 ask Chief Wilson for Mary Abegglen's job</p> <p>3 description?</p> <p>4 A I probably did, yes.</p> <p>5 Q Why?</p> <p>6 A As a result of Daphne Fisher's testimony, the</p> <p>7 Board authorized me to go ahead and start making</p> <p>8 some changes to the police department, some other</p> <p>9 departments of the town that I had been</p> <p>10 requesting for some time and that included</p> <p>11 revising job descriptions, and that starts with</p> <p>12 having the old documents in your hands.</p> <p>13 Q You said Daphne Fisher's testimony. It wasn't</p> <p>14 testimony, it was a conversation, right?</p> <p>15 A That's correct.</p> <p>16 Q Did you do anything to verify whether Daphne</p> <p>17 Fisher's conversation with you and Chief Wilson</p> <p>18 was verifiable or did you just take her at her</p> <p>19 word?</p> <p>20 A No, but Officer Fisher's conversation reinforced</p> <p>21 other information that I had been given by the</p> <p>22 parties.</p> <p>23 Q What other parties had you been getting</p> <p>24 information from?</p> <p>25 A When I was first appointed the position, there</p>	<p>1 about a conversation they had with you about</p> <p>2 complaints filed against, by the police union</p> <p>3 against Chief John Wilson which you indicate were</p> <p>4 politically motivated, and then you're within</p> <p>5 quotes, the third paragraph down, the union has</p> <p>6 taken a shot at John, Museus said this morning,</p> <p>7 do you see that?</p> <p>8 A Yes, I do.</p> <p>9 Q Why didn't you at that point in time declare the</p> <p>10 Freedom of Information Act and stay silent on the</p> <p>11 issue?</p> <p>12 A Well, I don't think this is related to the</p> <p>13 Freedom of Information Act at all. I think that</p> <p>14 the Freedom of Information Act is regarding</p> <p>15 documents and that until the document is</p> <p>16 released, I wasn't free to talk about it. This</p> <p>17 has to do with the fact that there was a</p> <p>18 complaint made and an investigation being made,</p> <p>19 and the fact that the union was taking a shot at</p> <p>20 John doesn't alleviate John from the</p> <p>21 responsibility for using the racial slurs. I</p> <p>22 think they're two separate issues.</p> <p>23 Q So by this time, the media had received a copy of</p> <p>24 Levy's report is what you're saying for the</p> <p>25 Freedom of Information Act not to apply?</p>



Page 54	Page 56
<p>1 A No.</p> <p>2 Q Well, otherwise you couldn't talk about any</p> <p>3 investigation or results of investigations if</p> <p>4 they didn't have a report, right?</p> <p>5 A Yeah.</p> <p>6 Q Am I right about that?</p> <p>7 A No, it says -- Yeah. At this point within the</p> <p>8 article, February 10th, it states the Janesville</p> <p>9 Gazette had a copy of the investigation through</p> <p>10 the open records law.</p> <p>11 Q And at that point you also knew the union's</p> <p>12 allegations were proven to be true in regard to</p> <p>13 Wilson's use of racial slurs in the department,</p> <p>14 right?</p> <p>15 A Correct.</p> <p>16 Q In fact, Wilson, you knew Wilson had admitted to</p> <p>17 making racial slurs within the department, right?</p> <p>18 A Correct.</p> <p>19 Q In fact, you admonished him for that, correct?</p> <p>20 A That's right.</p> <p>21 Q So how did you conclude for the paper's purposes</p> <p>22 the union was taking a shot at him when the</p> <p>23 allegations were proven to be true?</p> <p>24 A Well, I think that you can use truth against</p> <p>25 somebody. It's motivation that's the issue here,</p>	<p>1 Q And why did you want the public to understand</p> <p>2 that?</p> <p>3 A Because I think that the public needed to be</p> <p>4 aware of what was actually happening.</p> <p>5 Q In addition to having a Police Chief that used</p> <p>6 racial slurs they needed to know the union didn't</p> <p>7 like the chief, right?</p> <p>8 A Correct.</p> <p>9 Q Why did you want to make sure the public knew</p> <p>10 both those items?</p> <p>11 A You know, I can't -- I cannot remember exactly my</p> <p>12 motivation at that point in time, but I think I</p> <p>13 was speaking what I believed, and I can't</p> <p>14 remember exactly the way the question, whatever</p> <p>15 question the reporter asked me how that was</p> <p>16 phrased. I responded to the reporter and to her</p> <p>17 request. You know, how she places it in the</p> <p>18 article is something else again.</p> <p>19 Q When you made your comments to that particular</p> <p>20 reporter, did you know that they had already</p> <p>21 obtained a copy of the Levy report?</p> <p>22 A Yes. I would have known that.</p> <p>23 Q Now, in that particular article, it goes on to</p> <p>24 say that -- you mention about three-fourths of</p> <p>25 the way down, it says, the Town will not, within</p>
Page 55	Page 57
<p>1 and by this time I had already been informed by</p> <p>2 Daphne Fisher that the union had intended to use</p> <p>3 this investigation as a means of removing the</p> <p>4 Chief from his position, so I was already aware</p> <p>5 of that.</p> <p>6 Q But at this point the newspaper's trying to</p> <p>7 report whether or not they have a Police Chief</p> <p>8 using racial slurs which was proven to be true,</p> <p>9 right?</p> <p>10 A And I believe it says that.</p> <p>11 Q So why are you trying to relay the union's motive</p> <p>12 when, in fact, they're asking about the facts?</p> <p>13 A I think --</p> <p>14 MR. ZALEWSKI: I'm going to object to</p> <p>15 form. I think this whole article refers to that</p> <p>16 no confidence report, not the disciplinary</p> <p>17 report. It starts off that way in the first</p> <p>18 paragraph.</p> <p>19 BY MR. RETTKO:</p> <p>20 Q You can answer.</p> <p>21 A I think that when you're dealing with politics,</p> <p>22 motive matters.</p> <p>23 Q And you were going to make sure that the public</p> <p>24 knew the union had a motive here, right?</p> <p>25 A That's correct.</p>	<p>1 quotes, surrender, quotes, management rights to</p> <p>2 the union, he said. That's -- He said it refers</p> <p>3 to something you said. Why would you tell the</p> <p>4 newspaper that the Town will not surrender</p> <p>5 management rights to the union?</p> <p>6 A Again, I cannot remember the question that the</p> <p>7 reporter asked me. It would have been -- It</p> <p>8 would have been a direct response to a question</p> <p>9 that this reporter asked me.</p> <p>10 Q Now, in here you indicate that Wilson is quite</p> <p>11 contrite, within quotes, and has apologized to</p> <p>12 the Town Board as Museum said. Wilson has been</p> <p>13 reprimanded in writing and required to take</p> <p>14 counseling or a sensitivity program according to</p> <p>15 the report, right?</p> <p>16 A Correct.</p> <p>17 Q Up to that point had Wilson completed his</p> <p>18 sensitivity training?</p> <p>19 A I don't believe so.</p> <p>20 Q Was there an issue about the amount of punishment</p> <p>21 that Wilson received? Is that what I'm gathering</p> <p>22 in reading this report, that the reporter may be</p> <p>23 questioning why only a written reprimand?</p> <p>24 A I have no knowledge about the reporter's</p> <p>25 motivation. I do not remember the conversation</p>

Page 58	Page 60
<p>1 being --</p> <p>2 Q Do you have any recollection of anyone in the</p> <p>3 public being upset with finding Wilson had been</p> <p>4 using racial slurs was proven to be true and all</p> <p>5 he got was a written reprimand and sensitivity</p> <p>6 training?</p> <p>7 A I have heard members of the public state that</p> <p>8 they thought it was too light a punishment.</p> <p>9 Q Did you catch any heat about that?</p> <p>10 A I would not say -- No. There are people who</p> <p>11 disagreed with that decision, yes, but there was</p> <p>12 never any pressure to reverse it.</p> <p>13 Q Other than the admonishment in requiring Wilson</p> <p>14 to go to counseling or sensitivity training, did</p> <p>15 you take any other actions to assure there was --</p> <p>16 there wasn't a hostile work environment going on</p> <p>17 in the police department?</p> <p>18 A I would say that the -- that there was a very bad</p> <p>19 environment in the police department, but to</p> <p>20 state that it was totally the Chief's fault would</p> <p>21 be false, that there was dissension in the</p> <p>22 department. I have never been totally clear on</p> <p>23 where it -- what started it, but in my belief</p> <p>24 that this was not an issue of the Chief creating</p> <p>25 a hostile and offensive work environment in the</p>	<p>1 that she did have backup, she did have support</p> <p>2 and she was not at risk.</p> <p>3 Q I'm going to show you what's been marked as</p> <p>4 Exhibit 24. Can you identify that document for</p> <p>5 the record?</p> <p>6 A Yeah. This is the report that I provided the</p> <p>7 Town Board regarding the impact of the proposed</p> <p>8 reorganization of the Town of Beloit employees.</p> <p>9 Q And the date of this?</p> <p>10 A February 9th, 2009.</p> <p>11 Q Do you have any -- What was the need for the Town</p> <p>12 restructuring as of February 9th, 2009?</p> <p>13 A There were a number of longstanding issues in the</p> <p>14 police department and then there were some</p> <p>15 short-term issues occurring in the Fire</p> <p>16 Department that required some decisions by the</p> <p>17 Town Board on personnel, and they requested that</p> <p>18 I put that all -- instead of dealing with them</p> <p>19 individually, that they -- I put it together in a</p> <p>20 package and show them what the financial impact</p> <p>21 would be on the Town with the proposed changes.</p> <p>22 Q And I see you've got a list of about eight</p> <p>23 reasons at the top for why a restructuring would</p> <p>24 improve the efficiency and effectiveness of the</p> <p>25 Town's operations, correct?</p>
Page 59	Page 61
<p>1 department, that's the end of it. I think that</p> <p>2 this has to do with interaction of people, and</p> <p>3 there was just as much activity on the part of</p> <p>4 the union and the people who opposed the Chief to</p> <p>5 create a hostile work environment.</p> <p>6 In fact, I think that's the majority of</p> <p>7 what the problem was. When I have officers</p> <p>8 coming to me and stating that members of the</p> <p>9 union say they will not support them on the</p> <p>10 street, I think that is a hostile work</p> <p>11 environment. When I see the officers no longer</p> <p>12 issuing citations, I think that affects the work</p> <p>13 environment, so to paint this as an issue with</p> <p>14 just the Chief creating a problem, I don't</p> <p>15 believe that's true.</p> <p>16 Q So when Daphne Fisher came up and said that an</p> <p>17 officer specifically told me no one's got your</p> <p>18 back, what did you do to correct that hostile</p> <p>19 environment?</p> <p>20 A I did have a discussion with the Chief on what we</p> <p>21 could possibly do with that. Since it was one</p> <p>22 person's word against another, conducting an</p> <p>23 investigation did not seem to be a reasonable</p> <p>24 course of action. Daphne was reassigned to the</p> <p>25 day shift where we can insure that whatever --</p>	<p>1 A Correct.</p> <p>2 Q No. 1, Improving the confidentiality of</p> <p>3 collective bargaining and personnel</p> <p>4 administration?</p> <p>5 A That's correct.</p> <p>6 Q What did you mean by that?</p> <p>7 A One of the things that Daphne Fisher informed me,</p> <p>8 her meeting, was that during one of the union</p> <p>9 meetings she attended there was an interest</p> <p>10 expressed to get some information out of some</p> <p>11 personnel files of the Town. The Personnel Clerk</p> <p>12 at that time was a union member, though in a</p> <p>13 different bargaining unit. She said she would</p> <p>14 just go and get the information and make copies.</p> <p>15 That raised -- I already had a flag raised on</p> <p>16 that before, so I took those responsibilities</p> <p>17 away from a union member and put them in the</p> <p>18 hands of a non-union member to maintain the</p> <p>19 confidentiality of the Town's employment records.</p> <p>20 Q Who was that that was going to go right to</p> <p>21 personnel files and --</p> <p>22 A Lynn Caple.</p> <p>23 Q And what position did she have?</p> <p>24 A At that time she was serving as the Deputy</p> <p>25 Treasurer, and as part of that, though, her job</p>

## Willis Abegglen vs. Town of Beloit

9/1/10

## Deposition of Robert Museus

Page 62	Page 64
<p>1 functions, she served as the Town's personnel</p> <p>2 clerk.</p> <p>3 Q I see below, Deputy Treasurer position earning</p> <p>4 \$65,000 a year is deleted?</p> <p>5 A That's correct. We redid the job classification</p> <p>6 of Deputy Treasurer when we took away the</p> <p>7 personnel functions from that position and she</p> <p>8 became the Records Billing Clerk. There was no</p> <p>9 change in pay in that position.</p> <p>10 Q I don't see Records Billing Clerk on your list</p> <p>11 here. Where is that listed? I see the deletion</p> <p>12 of the Deputy Treasurer, but I don't see the</p> <p>13 addition of Deputy --</p> <p>14 A I'm not sure where that --</p> <p>15 Q -- of Records Clerk, Records Billing Clerk. I</p> <p>16 don't see it.</p> <p>17 A You know, I don't see that.</p> <p>18 Q Okay. So that was shifting 65,000 which shows a</p> <p>19 savings here, but you don't show the cost?</p> <p>20 A The expense, correct. There's an error there.</p> <p>21 Q So the annual budget impact's more like 5,000</p> <p>22 based on that error instead of 70, right?</p> <p>23 A That's correct.</p> <p>24 Q Going to step number 2 it says, Separating court</p> <p>25 duties from law enforcement; what did you mean by</p>	<p>1 court fine and wanted to talk to the Clerk of</p> <p>2 Court and she was sitting there with the Chief of</p> <p>3 Police, that that was -- that did not represent</p> <p>4 our court system well.</p> <p>5 Q And that had been going on since the minute you</p> <p>6 arrived in town, right?</p> <p>7 A And that's not just in the Town of Beloit but</p> <p>8 other communities do it the same way. I just</p> <p>9 felt it was inappropriate.</p> <p>10 Q And in February 2009 you got the Board to agree</p> <p>11 to this change, why?</p> <p>12 A Well, I think that it wasn't just one issue. I</p> <p>13 think you had to look at the package. We also</p> <p>14 had the issue where we had the opportunity for</p> <p>15 nepotism in the police department because we had</p> <p>16 a married couple. We had a married person</p> <p>17 supervising another married person. That is not</p> <p>18 good management and violates the Town's personnel</p> <p>19 policy, so by separating out those two people,</p> <p>20 those two married people, we can also at the same</p> <p>21 time take care of this other separation of powers</p> <p>22 issue so it fit together.</p> <p>23 Q And the nepotism issue's item number 4, right,</p> <p>24 reducing the opportunity for nepotism?</p> <p>25 A That's correct.</p>
Page 63	Page 65
<p>1 that?</p> <p>2 A Well, when I first got there, I felt that it was</p> <p>3 inappropriate for the Clerk of Court to be</p> <p>4 working in the police department. I felt that</p> <p>5 there was a -- I think it was typically called a</p> <p>6 Second Amendment issue there. I discussed that</p> <p>7 with Judge Holland, the judge, and he agreed with</p> <p>8 me. I had talked to the board for a number of</p> <p>9 times over the years about trying to get the</p> <p>10 Clerk of Court out of the police station</p> <p>11 somewhere else. The Town Board's objections at</p> <p>12 the time were No. 2, where do we put the</p> <p>13 position, we just don't have the space, and then</p> <p>14 we have to create a new position in the police</p> <p>15 department for the clerical clerk and that would</p> <p>16 cost us more money, so they didn't want to do it.</p> <p>17 And at this point in time, then they saw the</p> <p>18 benefit of it and decided that they would go</p> <p>19 ahead and make it happen.</p> <p>20 Q You said Second Amendment issue, what would the</p> <p>21 Second Amendment issue be?</p> <p>22 A Separation of powers is the way I would term it.</p> <p>23 The court system is separate and a separate</p> <p>24 entity from law enforcement and police, and I</p> <p>25 just saw it as if somebody was coming in to pay a</p>	<p>1 Q How long had Mary Abegglen been married to Will</p> <p>2 Abegglen prior to February of 2009 to your</p> <p>3 knowledge?</p> <p>4 A My understanding is they got married, my memory</p> <p>5 is late 2003, 2004.</p> <p>6 Q You were Town Board -- you were the Town</p> <p>7 Administrator at that time, right?</p> <p>8 A Yes, I was.</p> <p>9 Q Why didn't you take any action at that time to</p> <p>10 enforce the nepotism rule?</p> <p>11 A I did. I took it to the Town Board and sought</p> <p>12 their guidance and input. The Town Board at that</p> <p>13 time felt that it was a new policy and they</p> <p>14 didn't want to create any waves. And, again, how</p> <p>15 are you going to fix this, this is going to cost</p> <p>16 us money, so they directed me to leave it alone</p> <p>17 at that time.</p> <p>18 Q Going to number 3, it says eliminating</p> <p>19 employer-employee conflict in police department;</p> <p>20 what did you mean by that?</p> <p>21 A Well, by this time we knew that there was</p> <p>22 collusion within the department to oust the Chief</p> <p>23 and to take control of the department, and this</p> <p>24 was -- by re-organizing the department we could</p> <p>25 reduce that conflict.</p>

17 (Pages 62 to 65)

## Willis Abegglen vs. Town of Beloit

9/1/10

## Deposition of Robert Museus

Page 66	Page 68
<p>1 Q So you're speaking of the conflict between Wilson</p> <p>2 and Abegglen and Wilson and some other</p> <p>3 subordinates, right?</p> <p>4 A That's correct.</p> <p>5 Q And, in fact, this particular reorganization only</p> <p>6 affected Abegglen's position as Deputy Chief,</p> <p>7 correct?</p> <p>8 A No, that's not true. There were a number of</p> <p>9 people affected by this reorganization.</p> <p>10 Q Well, in regard to the police department in</p> <p>11 regard to employer-employer conflicts, right?</p> <p>12 A No. Well, as far as it affecting people in the</p> <p>13 police department, it affected a number of</p> <p>14 people. It affected the -- Willis Abegglen and</p> <p>15 the reorganization of his duties, it affected</p> <p>16 Mary Abegglen and the reorganization of her</p> <p>17 duties. If memory serves me right, Kelly was</p> <p>18 also affected by it, and we also cut a position.</p> <p>19 Q What position did you cut?</p> <p>20 A We -- The intent was is to leave the number of</p> <p>21 personnel in the department the same and so we</p> <p>22 created a new position, a clerical position that</p> <p>23 the -- we would lose a patrolman's position.</p> <p>24 Q Which patrol position did you lose?</p> <p>25 A It would have been Officer Decker's, who is the</p>	<p>1 that we were not creating a new Sergeant's</p> <p>2 position, that the Sergeant's position would</p> <p>3 remain. It's just that under the law Sergeant</p> <p>4 Abegglen had bumping rights so he would take the</p> <p>5 Sergeant's position from someone else. The other</p> <p>6 person would become a patrol officer.</p> <p>7 Q Did that happen?</p> <p>8 A I don't think directly, no, because there were</p> <p>9 other personnel actions that happened in that</p> <p>10 process. The net result in the department was</p> <p>11 the same. During the -- During that year,</p> <p>12 Sergeant Abegglen, for example, immediately took</p> <p>13 a short-term disability for a period of some</p> <p>14 weeks. I believe we had another Sergeant out for</p> <p>15 a period of some weeks, we had other patrol</p> <p>16 officers out for worker's compensation, so</p> <p>17 instead of laying off the officer immediately, we</p> <p>18 waited till the start of the year because the</p> <p>19 department was shorthanded. Sometimes we were</p> <p>20 down three officers at a time on sick leave or</p> <p>21 worker's comp.</p> <p>22 Q Back to item 3, Eliminating employer-employee</p> <p>23 conflict in the police department. Why did that</p> <p>24 become an issue in February of 2009?</p> <p>25 A Directly because of Daphne Fisher's --</p>
Page 67	Page 69
<p>1 junior -- By union contract, the junior officer</p> <p>2 is the one that would have disappeared.</p> <p>3 Q Now, Chief Wilson testified Officer Decker did</p> <p>4 not get laid off until December 2009; do you</p> <p>5 disagree with that testimony?</p> <p>6 A No, I do not.</p> <p>7 Q Now, I notice at the bottom here you've got</p> <p>8 Deputy Chief of Police, delete position, 82,000</p> <p>9 savings?</p> <p>10 A That was the cost of the position, yes.</p> <p>11 Q But you don't note in here that that person was</p> <p>12 being retained in the department and staying on</p> <p>13 at a Sergeant's salary, right?</p> <p>14 A That's correct.</p> <p>15 Q How much did that Sergeant's position cost?</p> <p>16 A Sergeant's position saves us a few thousand</p> <p>17 dollars. It's not very much.</p> <p>18 Q So in reality the annual budget impact is not</p> <p>19 really a savings of anything but it's -- without</p> <p>20 putting in the 65,000 for the Deputy Treasurer</p> <p>21 becoming Billing Clerk and without putting in the</p> <p>22 Deputy Chief being deleted but actually going to</p> <p>23 the Sergeant's position, there's no savings here,</p> <p>24 is there?</p> <p>25 A No. I think that my thought process there was is</p>	<p>1 Q Going to number 5, Improving the segregation of</p> <p>2 financial duties. What did you mean by that?</p> <p>3 A We get -- And it's true for all small</p> <p>4 communities. We don't have enough employees to</p> <p>5 segregate our financial duties to the extent that</p> <p>6 our auditor would like us to. That means they</p> <p>7 want separate financial actions done by different</p> <p>8 individuals so that no one individual has an</p> <p>9 opportunity for fraud and graft. When we did</p> <p>10 this reorganization, I included concerns for a</p> <p>11 treasurer in trying to segregate the duties we</p> <p>12 assign job duties to various positions, that we</p> <p>13 could segregate our financial duties as much as</p> <p>14 possible to reduce the opportunity for fraud and</p> <p>15 graft within the Town.</p> <p>16 Q Why did that become an issue as of February of</p> <p>17 '09?</p> <p>18 A It's an ongoing and consistent issue. We never</p> <p>19 look at any job that deals with the money of the</p> <p>20 Town of Beloit without considering segregation of</p> <p>21 duties, potential for graft interruption.</p> <p>22 Q Number 6, Adjusting workload to better make use</p> <p>23 of employee time; what did you mean by that?</p> <p>24 A At this point I can't -- I would have to give</p> <p>25 some thought to that specifically what the issues</p>

18 (Pages 66 to 69)

## Willis Abegglen vs. Town of Beloit

9/1/10

## Deposition of Robert Museus

Page 70	Page 72
<p>1 were there.</p> <p>2 Q Next one, No. 7, Improving the management and</p> <p>3 administration of Town affairs; what did you</p> <p>4 mean?</p> <p>5 A I think the issue there was is we did have some,</p> <p>6 what I would call -- for example, in the police</p> <p>7 department it's been brought up in testimony, we</p> <p>8 had some issues with overtime and personnel</p> <p>9 issues in reporting -- I guess what we call</p> <p>10 clerical administrative functions. I thought by</p> <p>11 bringing together the clerical functioning into a</p> <p>12 new position of Administrative Assistant to the</p> <p>13 Chief of Police, those things could be approved.</p> <p>14 Also, regarding the creation of a personnel clerk</p> <p>15 for the Town and having somebody who could spend</p> <p>16 more time focused on that without having to be</p> <p>17 responsible for utility billing and accounting</p> <p>18 and other things would also benefit the town and</p> <p>19 be able to focus on what was obviously a problem.</p> <p>20 Q That's something that existed prior to February</p> <p>21 of '09?</p> <p>22 A That's correct.</p> <p>23 Q And next item, Reducing costs; what did you mean</p> <p>24 by that?</p> <p>25 A The Town when I did the reorganization, the Town</p>	<p>1 duties as Deputy Chief, what was your</p> <p>2 understanding as to how those administrative</p> <p>3 duties were going to be taken care of?</p> <p>4 A I would say that the Deputy Chief had, as I</p> <p>5 viewed it, three categories. Basically the</p> <p>6 supervisory responsibilities. Our Deputy Chief</p> <p>7 acted as a supervisor, a Sergeant, had the role</p> <p>8 of a Sergeant, had what are called professional</p> <p>9 police duties in assisting the Chief of Police in</p> <p>10 policy and in management issues. That had some</p> <p>11 clerical duties as well just because we're a</p> <p>12 small community. And when we reorganized the</p> <p>13 department, the clerical duties went to -- the</p> <p>14 responsibilities went to the new Administrative</p> <p>15 Assistant, which was more efficient. An</p> <p>16 Administrative employee costs me less than a</p> <p>17 police officer and also brought those duties</p> <p>18 together into one position.</p> <p>19 The responsibilities for the</p> <p>20 professional management of the organization,</p> <p>21 those went back to the Chief for him to reassign</p> <p>22 as appropriate, and then that position kind of</p> <p>23 retained the Sergeant's responsibilities.</p> <p>24 Q And what did the new Administrative Assistant</p> <p>25 that was taking over Willis' administrative</p>
Page 71	Page 73
<p>1 Board's direction was it should be cost control,</p> <p>2 save us money, and I think that it met that goal.</p> <p>3 Q Based on what you've got explained here at the</p> <p>4 bottom of --</p> <p>5 A Yes.</p> <p>6 Q -- the first page of Exhibit 24?</p> <p>7 A Yes.</p> <p>8 Q As I listened to you testify, would it be correct</p> <p>9 to say that most all of these issues existed</p> <p>10 before February of '09, but the Board wouldn't do</p> <p>11 anything about it unless they saw there was going</p> <p>12 to be some cost savings to the changes?</p> <p>13 A No. I think what the trigger was, for the Board</p> <p>14 was is when Officer Fisher came forward and</p> <p>15 stated what was happening within the police</p> <p>16 department, we had concerns about the reliability</p> <p>17 and security of information of the employees</p> <p>18 records, which was important to us for a lot of</p> <p>19 legal reasons. I think that things that we</p> <p>20 wanted to do, separate out the Clerk of the Court</p> <p>21 from the police department to separate out the</p> <p>22 Abegglen's and their working employment all of a</p> <p>23 sudden that didn't seem to be so burdensome to</p> <p>24 the Town Board, let's go ahead and do it.</p> <p>25 Q In regard to Willis Abegglen's administrative</p>	<p>1 duties -- Is that position listed on here?</p> <p>2 A Police Secretary, new position is how we have it</p> <p>3 listed here.</p> <p>4 Q And it's 56,000 a year?</p> <p>5 A Yeah. Yes. That's with benefits.</p> <p>6 Q I understand. And the 82,000 for Deputy Chief's</p> <p>7 with benefits, too, right?</p> <p>8 A That's correct.</p> <p>9 Q Did anyone on the Town Board ever sit down and</p> <p>10 question you about the savings cost analysis you</p> <p>11 did here?</p> <p>12 A Oh, they went over it in detail.</p> <p>13 Q Were they aware of the fact that this really</p> <p>14 wasn't a \$70,000 savings as is depicted at the</p> <p>15 bottom?</p> <p>16 A Well, I believe it was I think. I'm just --</p> <p>17 would have to sit down and think about -- we're</p> <p>18 talking about the one position switching.</p> <p>19 Looking back, the Deputy Treasurer was</p> <p>20 deleted at \$65,000 a year. The Billing Clerk --</p> <p>21 That became the Billing Clerk's, slash, here at</p> <p>22 \$43,000 per year. A lot of -- I think the cost</p> <p>23 savings there was driven by overtime.</p> <p>24 Q With Mary Abegglen's position, the Clerk of Court</p> <p>25 Police Administrative Assistant was deleted at</p>

19 (Pages 70 to 73)



## Willis Abegglen vs. Town of Beloit

9/1/10

## Deposition of Robert Museus

Page 74	Page 76
<p>1 50,000. What new positions were added as a</p> <p>2 result of that position being deleted?</p> <p>3 A The duties of the Administrative Assistant Clerk</p> <p>4 of Court, the administrative duties went to the</p> <p>5 Police Secretary position to separate out that</p> <p>6 from the Court, and what remained was the Clerk</p> <p>7 of Court responsibilities and so the job</p> <p>8 became -- it would be called Clerk of Court</p> <p>9 Receptionist just because that position then</p> <p>10 physically was being moved to the Town Hall and</p> <p>11 all of our employees at the Town Hall are up at</p> <p>12 the front desk. We only have three people up</p> <p>13 there. When somebody is on lunch or on sick</p> <p>14 leave, everybody has to fit in.</p> <p>15 Q And you don't have Abegglen's jumping down to the</p> <p>16 Sergeant's position here either, do you?</p> <p>17 A I believe I didn't do that because he would have</p> <p>18 occupied an existing position and there would</p> <p>19 have been a bump there.</p> <p>20 Q But there wasn't a bump, was there?</p> <p>21 A In our organization there was. When you follow</p> <p>22 the track of personnel, it took a while, but it</p> <p>23 occurred the next year. And again that's because</p> <p>24 we're managed by position and there were a number</p> <p>25 of people absent during that year and we retained</p>	<p>1 Q You also told Abegglen at that same time if he</p> <p>2 didn't retire, you would have to go to the</p> <p>3 position of Sergeant and that you would lay off</p> <p>4 the most junior person in the police department?</p> <p>5 A That's correct.</p> <p>6 Q So how are you gaining more patrol officers by</p> <p>7 putting one on and taking one and laying him off?</p> <p>8 A Well, we didn't lose anybody on the street. We</p> <p>9 were able to gain a clerical position in the</p> <p>10 department and not lose street time.</p> <p>11 Q You gained a clerical person, you lost an officer</p> <p>12 and you gained a sergeant?</p> <p>13 A Right. Maybe that's confusing. We actually I</p> <p>14 don't think gained a sergeant. We kept the same</p> <p>15 number of sergeants, it's just that we wouldn't</p> <p>16 have a sergeant tied up in the office.</p> <p>17 Q Now, when you told Abegglen this, he objected or</p> <p>18 he said that he would -- wouldn't be retiring and</p> <p>19 wouldn't be accepting the Sergeant's position</p> <p>20 except under duress, right?</p> <p>21 A I don't have any exact memory of that</p> <p>22 conversation, no.</p> <p>23 Q And --</p> <p>24 A But I wouldn't dispute it either.</p> <p>25 Q -- do you recall Abegglen requesting that the</p>
Page 75	Page 77
<p>1 that officer so we didn't have to pay overtime</p> <p>2 for other people.</p> <p>3 Q Where do you have Mary's new position on here?</p> <p>4 A Clerk of Court/Receptionist.</p> <p>5 Q That's 34,000?</p> <p>6 A That would be the budget figure with benefits,</p> <p>7 yes.</p> <p>8 Q And then the other portion of her job was picked</p> <p>9 up by the Police Secretary, 56,000 a year?</p> <p>10 A That's correct.</p> <p>11 Q Now, at the time you met with Willis Abegglen in</p> <p>12 February of '09, and you informed him that the</p> <p>13 Deputy Chief's position was being eliminated, why</p> <p>14 was it that you told him the position was being</p> <p>15 eliminated to put more patrol officers on the</p> <p>16 street?</p> <p>17 A I think that was part of the benefit of the</p> <p>18 reorganization was is that we took a -- brought</p> <p>19 in a clerical employee at a lower rate of pay who</p> <p>20 is trained and equipped to do clerical work and</p> <p>21 put our licensed law enforcement officers back</p> <p>22 out on the street. Given that we are a small</p> <p>23 department with, at that time, a dozen officers,</p> <p>24 to get the personnel out of the office on the</p> <p>25 street was a significant benefit to us.</p>	<p>1 Board provide him a letter regarding his demotion</p> <p>2 to Sergeant at that time? That he said I want a</p> <p>3 letter from the Board.</p> <p>4 A I have -- Yes.</p> <p>5 Q And at that time why did you respond to Willis</p> <p>6 Abegglen you don't tell me how to run the Town of</p> <p>7 Beloit?</p> <p>8 A I think that you have to -- You have to -- What's</p> <p>9 in writing isn't always what exists at the time</p> <p>10 of the moment, and I think you have to know</p> <p>11 Willie and his demeanor and his action. At that</p> <p>12 point in time Willie was trying to take control</p> <p>13 of the conversation and tried to guide the</p> <p>14 direction of where the conversation was going,</p> <p>15 and I was not going to accept that.</p> <p>16 Q Who had the Rock County Sheriff place an extra</p> <p>17 squad in the area of the Town Hall when you and</p> <p>18 Groves met with Abegglen to tell him his position</p> <p>19 was being eliminated?</p> <p>20 A The direct answer to that question is the Sheriff</p> <p>21 did.</p> <p>22 Q Who requested that the Sheriff do that?</p> <p>23 A I requested that the Sheriff provide security at</p> <p>24 this point in time. How he did that was his</p> <p>25 decision. I did not specifically ask for a squad</p>

20 (Pages 74 to 77)



Page 78	Page 80
<p>1 car or anything else, but I did ask for the</p> <p>2 sheriff's department to provide security at that,</p> <p>3 during those conversations.</p> <p>4 Q And why did you ask the Sheriff for security?</p> <p>5 A That is because a number of people had over the</p> <p>6 previous few weeks warned me of Willie's</p> <p>7 explosive personality and the fact that he could</p> <p>8 become violent. One of those was Captain Tom</p> <p>9 Gehl of the sheriff's department. One of those</p> <p>10 were the Town of Board chairman, Greg Groves, and</p> <p>11 I believe Dave Garetson, who also is another</p> <p>12 employee of the Town, mentioned some things. I</p> <p>13 don't know how seriously I took it, but Bill</p> <p>14 Henderson, or the town attorney, was going to be</p> <p>15 with me, and I mentioned it to him, and he felt</p> <p>16 if there was any possibility of any violence that</p> <p>17 he would feel better if there was somebody there</p> <p>18 to help out, so I requested some assistance from</p> <p>19 the sheriff's department and he decided how it</p> <p>20 was going to be done.</p> <p>21 Q In fact, the Sheriff that was parked outside,</p> <p>22 there was no need to call him into the situation,</p> <p>23 wasn't that true?</p> <p>24 A No, there was not.</p> <p>25 Q I'm going to show you what's been marked as</p>	<p>1 to this and they kind of got lumped together.</p> <p>2 The cost for Charter was no change. We</p> <p>3 were doing that anyway. There was some cost for</p> <p>4 some additional software and the time to set up</p> <p>5 that software, and I'm not sure what those costs</p> <p>6 are.</p> <p>7 Q Do you have any idea what it cost for furniture</p> <p>8 at the Town Hall to set up this new office?</p> <p>9 A I would not expect very much. We used existing</p> <p>10 furnishings. There may have been some</p> <p>11 administrative things that needed to be changed</p> <p>12 out, but I don't --</p> <p>13 Q I'm going to show you what's been marked as</p> <p>14 Exhibit 26. Can you identify what Exhibit 26 is</p> <p>15 for the record?</p> <p>16 A This is my response to Teamsters Local 695 and</p> <p>17 their grievance regarding I believe it's the</p> <p>18 Clerk of Court's job change.</p> <p>19 Q You cite in here Wisconsin Statute Section</p> <p>20 111.345 as an antinepotism section of the</p> <p>21 Wisconsin code?</p> <p>22 A I believe that code allows us to reassign</p> <p>23 personnel to avoid nepotism.</p> <p>24 Q Going back to Exhibit 24 --</p> <p>25 A Uhm-hum.</p>
Page 79	Page 81
<p>1 Exhibit 25. Can you identify Exhibit 25 for the</p> <p>2 record?</p> <p>3 A Yeah. I was in conversation with the union</p> <p>4 regarding the reorganization and whenever there</p> <p>5 was something that affected that reorganization,</p> <p>6 I usually informed their representative, Al</p> <p>7 Fladthammer. In this case partly the</p> <p>8 reorganization caused while Mary was moving --</p> <p>9 Clerk of Court was moving from the police</p> <p>10 department into the Town Hall. In order to make</p> <p>11 the software work in the computers required a</p> <p>12 change to the Internet connection between the</p> <p>13 Town Hall, required a secure service between the</p> <p>14 Town Hall and the police department. That was</p> <p>15 delayed for a couple of reasons over time, some</p> <p>16 of it due to Charter and their hardware, some of</p> <p>17 it due to the person we had hired to do the</p> <p>18 software and getting the work done.</p> <p>19 Q How much did it cost to move that office from the</p> <p>20 police building to the Town Hall including this</p> <p>21 installation of Internet service and moving</p> <p>22 charges and furniture and things of that nature?</p> <p>23 A I can't tell you exactly 'cause there were other</p> <p>24 costs at the time associated with what was going</p> <p>25 on in the police department not directly related</p>	<p>1 Q -- anywhere in there did your presentation to the</p> <p>2 Town Board on February 9th mention the Separation</p> <p>3 of Powers Doctrine?</p> <p>4 A What I stated was separating court duties from</p> <p>5 law enforcement. I used different terminology in</p> <p>6 the two documents.</p> <p>7 Q And by the time your letter to Mr. Bogdonas of</p> <p>8 June 8th, 2009, you had changed that term to</p> <p>9 Separation of Powers Doctrine?</p> <p>10 A I expect I used those two terms pretty much</p> <p>11 interchangeably.</p> <p>12 Q I show you what's been marked as Exhibit 27. Can</p> <p>13 you identify what this document is for the</p> <p>14 record?</p> <p>15 A That is my budget letter to the Board for the</p> <p>16 budget we were preparing for 2010.</p> <p>17 Q On page 2 it indicates the police department</p> <p>18 going back to 2008's approximate size; do you see</p> <p>19 that?</p> <p>20 A Correct.</p> <p>21 Q How was that going to be achieved as of</p> <p>22 November 2009 when this was written?</p> <p>23 A In -- For the police budget for 2010</p> <p>24 fundamentally we were reducing four officers.</p> <p>25 Q So in November of 2009 you had made a decision</p>

Page 82	Page 84
<p>1 that in 2010 four officers were getting cut?</p> <p>2 A That was the budget would be reduced for four</p> <p>3 officers, but in this case that included the</p> <p>4 officer that we had reduced in 2009 plus three</p> <p>5 new officers.</p> <p>6 Q Now, there's a foldout sheet in there and, I'm</p> <p>7 sorry, I didn't get real good copies of that on</p> <p>8 our copies, but we'll make better copies for us.</p> <p>9 In there it says 2009 total police department</p> <p>10 expense at \$1,322,479.25, right?</p> <p>11 A Yes.</p> <p>12 Q And for 2010 it's budgeted at \$1,158,390.36,</p> <p>13 correct?</p> <p>14 A Okay.</p> <p>15 Q I think that's on the follow-up sheet, it's got</p> <p>16 the 2010 --</p> <p>17 A Okay.</p> <p>18 Q -- projections. If I'm wrong, let me know. I</p> <p>19 said 1,158,390.36.</p> <p>20 A I have for 2010 budget for police showing on</p> <p>21 here, 1,344,858.46.</p> <p>22 Q Let me see where you're looking at and see where</p> <p>23 I'm mistaken. Okay.</p> <p>24 A I'm looking at the total column. It should be --</p> <p>25 the police should be the one, two, three, fourth</p>	<p>1 not -- so that filled that position or took care</p> <p>2 of that position.</p> <p>3 Q And you've added Laura Palmer?</p> <p>4 A Sergeant Palmer fills the vacancy left by</p> <p>5 Sergeant Abegglen.</p> <p>6 Q And there's still three sergeants at the police</p> <p>7 department now?</p> <p>8 A There are a total of three sergeants, correct.</p> <p>9 Q And I notice that between 2009 and 2010 the</p> <p>10 administrative personnel costs increased --</p> <p>11 A Correct.</p> <p>12 Q -- by about 60,000, right?</p> <p>13 A From 268,000 to 330,000 approximately, yes.</p> <p>14 Q Who is all covered by the administrative</p> <p>15 category?</p> <p>16 A Administrative category includes myself as the</p> <p>17 Administrator, the Clerk, the Administrative</p> <p>18 Assistant/Personnel Clerk. I don't think --</p> <p>19 There may be some temporary part-time payroll</p> <p>20 involved in there as well.</p> <p>21 Q How many raises have you received since</p> <p>22 January 2009?</p> <p>23 A January 2009?</p> <p>24 Q Uhm-hum.</p> <p>25 A Zero. I did receive a raise in January,</p>
Page 83	Page 85
<p>1 column down.</p> <p>2 Q I was talking about personnel?</p> <p>3 A Oh, personnel, that's okay.</p> <p>4 Q That's where we're on this. I wasn't clear on</p> <p>5 that.</p> <p>6 So it went down by roughly \$60,000 -- or</p> <p>7 roughly 160, about \$164,000?</p> <p>8 A Correct, thereabouts.</p> <p>9 Q And I see where the fire and ambulance personnel</p> <p>10 costs for 2009 was actually less than what it's</p> <p>11 projected for in 2010 by about 31,000, right?</p> <p>12 A Shows the -- 2009, our budget for personnel</p> <p>13 expense for fire was 1.2 million. 1.2 --</p> <p>14 1,210,000; 2010, 1,242,000.</p> <p>15 Q So actually fire and ambulance personnel costs</p> <p>16 went up versus the police, which went down?</p> <p>17 A Correct.</p> <p>18 Q Who all got cut from the police department budget</p> <p>19 in 2010, do you know the employees?</p> <p>20 A By name?</p> <p>21 Q Right.</p> <p>22 A Well, including one that we had scheduled for</p> <p>23 reduction in 2009, it would have been Officer</p> <p>24 Decker, Officer Fisher, Officer Waldinger and</p> <p>25 then Officers Bogdonas resigned so that we did</p>	<p>1 January 2009.</p> <p>2 Q How much was that?</p> <p>3 A I can't remember exactly. I think it was right</p> <p>4 around about 5 percent.</p> <p>5 Q And what's the -- who all got raises then from</p> <p>6 2009 to 2010 that accounts for administrative</p> <p>7 personnel costs going up by over 60,000?</p> <p>8 A It was actually a reorganization of positions.</p> <p>9 We took -- What ended up happening is we took one</p> <p>10 part-time position, ended up making it a</p> <p>11 full-time position.</p> <p>12 Q What's all covered in the category Board and</p> <p>13 Commissioner -- Boards and Commissioner on that</p> <p>14 budget?</p> <p>15 A That would include the Town Board, and I think</p> <p>16 that's the only Town Board.</p> <p>17 Q As I read the budget, the only areas that were</p> <p>18 decreased in the Town budget were the police,</p> <p>19 courts, Boards and Commissioners and the Fall</p> <p>20 Festival, am I correct about that, in regard to</p> <p>21 personnel costs?</p> <p>22 A It appears so, yes.</p> <p>23 Q Okay. I'm going to show you what's been marked</p> <p>24 as Exhibit 28. Can you identify Exhibit 28 for</p> <p>25 the record?</p>

## Willis Abegglen vs. Town of Beloit

9/1/10

## Deposition of Robert Museus

Page 86	Page 88
<p>1 A It is a memorandum from myself to the Town</p> <p>2 Personnel Clerk regarding paying terminal leave</p> <p>3 benefits to Sergeant Abegglen upon his</p> <p>4 retirement.</p> <p>5 Q That's dated March 1st, 2010?</p> <p>6 A Correct.</p> <p>7 Q And was the decision that you made not to pay</p> <p>8 Willis Abegglen the terminal leave benefits a</p> <p>9 decision the Town had ever made prior to this, to</p> <p>10 your knowledge?</p> <p>11 A I can't remember if Officer Bogdonas left our</p> <p>12 service before Sergeant Abegglen or -- Sergeant</p> <p>13 Abegglen left first, but they were the first two.</p> <p>14 Q When you say first two times it came up, what do</p> <p>15 you mean?</p> <p>16 A Our policy is for an employee to receive terminal</p> <p>17 leave benefits, they need to provide us 10</p> <p>18 working days notice, and this is the first --</p> <p>19 these are the first two occurrences that since</p> <p>20 I've been here that the employees leaving our</p> <p>21 service didn't provide us the 10 working days</p> <p>22 notice.</p> <p>23 Q Did you check in regard to any past history on</p> <p>24 whether anyone -- that had ever occurred before?</p> <p>25 A No.</p>	<p>1 '09?</p> <p>2 A Did I initiate?</p> <p>3 Q Uhm-hum.</p> <p>4 A Zero.</p> <p>5 Q How many have been initiated against her that</p> <p>6 you're aware of?</p> <p>7 A How many complaints I received against Mary? I</p> <p>8 can't remember the number off the top of my head.</p> <p>9 There's been a handful.</p> <p>10 Q How many of those complaints have been</p> <p>11 substantiated?</p> <p>12 A At this point, zero.</p> <p>13 Q Do you have any idea of how many internal</p> <p>14 investigations were initiated against her prior</p> <p>15 to February of '09?</p> <p>16 A I don't know if there's been any formal</p> <p>17 investigations done before that date.</p> <p>18 Q Do you know why the change occurred as of</p> <p>19 February '09 in regard to Mary Abegglen having a</p> <p>20 handful of internal investigations initiated</p> <p>21 against her before February of '09 and there</p> <p>22 weren't any?</p> <p>23 A I think that -- This is not related to Mary, but</p> <p>24 in the past we have received complaints on Mary.</p> <p>25 Those were done internally and informally</p>
Page 87	Page 89
<p>1 Q I'm going to show you two documents at the same</p> <p>2 time. Exhibits 29 and 30, can you -- that's 30.</p> <p>3 Can you identify what Exhibit 29 is?</p> <p>4 A Yeah. It is a notice to Mary Abegglen that we</p> <p>5 received application for the part-time Data Entry</p> <p>6 Clerk Position and that she could test for it on</p> <p>7 Saturday, April 3rd, 2010.</p> <p>8 Q And what's Exhibit 30?</p> <p>9 A That is the job description for the Data Entry</p> <p>10 Clerk dated March 2010.</p> <p>11 Q That's the position she was allowed to apply for?</p> <p>12 A Yes.</p> <p>13 Q Did she take the test, do you recall?</p> <p>14 A I believe she took both the written test and the</p> <p>15 data entry test.</p> <p>16 Q And how did those exams work out?</p> <p>17 A She did not score in the top five, which we</p> <p>18 interviewed for.</p> <p>19 Q Who eventually got that position?</p> <p>20 A Jennifer, and her last name I can't remember</p> <p>21 right now.</p> <p>22 Q And did Jennifer apply for the position?</p> <p>23 A Yes, she did.</p> <p>24 Q How many internal investigations have you</p> <p>25 initiated against Mary Abegglen since February of</p>	<p>1 generally by the Chief, myself.</p> <p>2 After the commotion started in the</p> <p>3 police department, I had made a decision that all</p> <p>4 complaints would go in writing, be investigated</p> <p>5 in writing. And so we had numerous complaints</p> <p>6 not just involving Mary, in that period of time.</p> <p>7 Q Has it gone up for everyone then is what you're</p> <p>8 saying?</p> <p>9 A Individually?</p> <p>10 Q Right.</p> <p>11 A No. I think the number of investigations have</p> <p>12 gone up substantially. And I would expect that</p> <p>13 the number for Mary is the highest.</p> <p>14 MR. RETTKO: Do you have any questions?</p> <p>15 MR. ZALEWSKI: No, I don't.</p> <p>16 BY MR. RETTKO:</p> <p>17 Q I'm going to take just a few minutes 'cause I</p> <p>18 want to make sure I'm all done with my questions</p> <p>19 before I release you 'cause I'd rather not have</p> <p>20 to do this again.</p> <p>21 A Okay.</p> <p>22 Q All right.</p> <p>23 MR. ZALEWSKI: These go with the court</p> <p>24 reporter.</p> <p>25 THE WITNESS: Okay. I'm sorry.</p>

23 (Pages 86 to 89)

Willis Abegglen vs. Town of Beloit

9/1/10

Deposition of Robert Museus

<p style="text-align: right;">Page 90</p> <p>1 (A recess was taken.)</p> <p>2 (At 2:11 p.m. the deposition concluded.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 92</p> <p>1 on behalf of the Defendants.</p> <p>2 ALSO PRESENT Kris Eastman, Willis</p> <p>3 Abegglen and Mary Abegglen.</p> <p>4 That said deponent, before examination,</p> <p>5 was sworn to testify the truth, the whole truth,</p> <p>6 and nothing but the truth relative to said cause.</p> <p>7 That the foregoing is a full, true and</p> <p>8 correct record of all the proceedings had in the</p> <p>9 matter of the taking of said deposition, as</p> <p>10 reflected by my original machine shorthand notes</p> <p>11 taken at said time and place.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16 Notary Public in and</p> <p>17 for the State of Wisconsin</p> <p>18 Dated this 9th day of September, 2010.</p> <p>19 Milwaukee, Wisconsin.</p> <p>20</p> <p>21 My Commission expires December 12, 2010.</p> <p>22 Halma-Jilek Reporting, Inc.</p> <p>23 (414) 271-4466</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 91</p> <p>1 STATE OF WISCONSIN )</p> <p>2 ) SS:</p> <p>3 MILWAUKEE COUNTY )</p> <p>4 I, CHRISTINE A. MORAN, RPR and Notary</p> <p>5 Public in and for the State of Wisconsin, do</p> <p>6 hereby certify that the deposition of ROBERT</p> <p>7 MUSEUS, was taken before me at the Beloit Fire</p> <p>8 Department 2445 South Afton Road, Beloit,</p> <p>9 Wisconsin, on the 1st day of September, 2010,</p> <p>10 commencing at 12:03 in the afternoon.</p> <p>11 That it was taken at the instance of</p> <p>12 the Plaintiffs upon verbal interrogatories.</p> <p>13 That said statement was taken to be</p> <p>14 used in an action now pending in the UNITED</p> <p>15 STATES DISTRICT COURT, WESTERN DISTRICT OF</p> <p>16 WISCONSIN, in which Willis Abegglen, et al., are</p> <p>17 the Plaintiffs, and the Town of Beloit, et al.,</p> <p>18 are the Defendants.</p> <p>19 A P P E A R A N C E S</p> <p>20 RETTKO LAW OFFICES, S.C., 15460 West</p> <p>21 Capitol Drive, Suite 150, Brookfield, Wisconsin</p> <p>22 53005, by MR. WILLIAM R. RETTKO, appeared on</p> <p>23 behalf of the Plaintiffs.</p> <p>24 ZALEWSKI, KLINNER &amp; KRAMER, LLP, 1500</p> <p>25 Merrill Avenue, P.O. Box 1386, Wausau, Wisconsin</p> <p>54401-1386, by MR. RICHARD W. ZALEWSKI, appeared</p>	

24 (Pages 90 to 92)

<b>A</b>	62:13	38:8,10 39:17	49:24 70:13	33:15 35:13
<b>Abegglen</b> 1:4	<b>additional</b> 80:4	40:20 41:6,21	<b>approximate</b>	39:17 40:20
2:11,11 3:2	<b>address</b> 6:8	41:21 79:6	81:18	47:18 78:14
25:20 33:11	<b>adequately</b>	91:15,16	<b>approximately</b>	<b>attorney's</b> 30:14
42:19,25 44:21	19:11,13	<b>Alan</b> 28:5	84:13	<b>auditor</b> 69:6
45:22 52:8,8	<b>adjacent</b> 15:1	<b>allegation</b> 25:17	<b>April</b> 87:7	<b>August</b> 6:6
65:1,2 66:2,14	<b>Adjusting</b> 69:22	<b>allegations</b> 29:2	<b>area</b> 77:17	<b>authorized</b> 51:7
66:16 68:4,12	<b>adjustments</b>	29:6,17,23	<b>areas</b> 85:17	<b>Avenue</b> 2:7
75:11 76:1,17	49:2,3	38:13 48:12,22	<b>Army</b> 6:19,22,24	91:24
76:25 77:6,18	<b>administered</b>	54:12,23	<b>arrange</b> 31:18	<b>avoid</b> 80:23
84:5 86:3,8,12	18:6	<b>alleged</b> 50:9	32:18	<b>aware</b> 13:5
86:13 87:4,25	<b>administrate</b>	<b>Allen</b> 13:7,8,15	<b>arranging</b> 31:11	22:12 27:11,15
88:19 91:15	27:20	<b>alleviate</b> 53:20	<b>arrival</b> 10:11	27:17 32:24
92:3,3	<b>administration</b>	<b>allow</b> 4:19 15:2	<b>arrive</b> 39:14	33:10,14 55:4
<b>Abegglen's</b> 71:22	5:23 36:10	30:8	<b>arrived</b> 64:6	56:4 73:13
<b>Abegglen's</b>	49:20 61:4	<b>allowed</b> 87:11	<b>article</b> 2:18,19	88:6
33:21 34:10	70:3	<b>allows</b> 80:22	8:14 9:6,11	<b>awful</b> 16:13
51:2 66:6	<b>administrative</b>	<b>Al's</b> 31:9	10:6 12:14	
71:25 73:24	70:10,12 71:25	<b>ambulance</b> 83:9	46:16,19,23	<b>B</b>
74:15	72:2,14,16,24	83:15	47:1,24 52:22	<b>B</b> 2:16
<b>able</b> 41:14 70:19	72:25 73:25	<b>amendatory</b>	54:8 55:15	<b>Bachelor's</b> 5:24
76:9	74:3,4 80:11	1:13	56:18,23	<b>back</b> 20:3 21:16
<b>absent</b> 74:25	84:10,14,16,17	<b>Amendment</b>	<b>asked</b> 5:5 10:3	22:9,15 23:23
<b>accept</b> 77:15	85:6	63:6,20,21	11:6,10 13:16	27:3,24 45:9
<b>accepting</b> 76:19	<b>administrator</b>	<b>amiss</b> 50:15	24:13,22 28:16	59:18 68:22
<b>access</b> 13:23	7:1,3,14 8:3	<b>amount</b> 57:20	30:24 31:3,17	72:21 73:19
15:2	17:8,14 22:23	<b>analysis</b> 73:10	38:12 43:9	75:21 80:24
<b>accounting</b>	27:14 30:1	<b>annual</b> 62:21	56:15 57:7,9	81:18
70:17	47:5 65:7	67:18	<b>asking</b> 4:15,22	<b>backup</b> 60:1
<b>accounts</b> 85:6	84:17	<b>answer</b> 4:21,22	4:25 5:1 22:1	<b>bad</b> 58:18
<b>accurate</b> 9:15	<b>admitted</b> 54:16	5:2,3 16:24	55:12	<b>bar</b> 13:13,14,18
<b>achieved</b> 81:21	<b>admonished</b>	23:7 55:20	<b>Assessor</b> 52:5	13:21
<b>Act</b> 47:12,16,20	54:19	77:20	<b>assign</b> 69:12	<b>bargaining</b>
53:10,13,14,25	<b>admonishing</b>	<b>anticipating</b> 5:7	<b>assist</b> 22:8	20:21 61:3,13
<b>acted</b> 72:7	41:15 42:12	<b>antipetotism</b>	<b>assistance</b> 78:18	<b>based</b> 29:12
<b>Acting</b> 44:22	<b>admonishment</b>	80:20	<b>Assistant</b> 70:12	40:19 62:22
<b>action</b> 29:18	39:9,15,23	<b>anybody</b> 76:8	72:15,24 73:25	71:3
30:21 31:6	41:24 42:9	<b>anyway</b> 22:5	74:3	<b>basically</b> 9:22
35:24 36:2	58:13	80:3	<b>Assistant/Per...</b>	13:1 72:5
41:1 47:1	<b>adopt</b> 46:20	<b>apologized</b>	84:18	<b>Bates</b> 34:17
59:24 65:9	<b>advance</b> 9:13	57:11	<b>assisting</b> 72:9	<b>BDN</b> 46:18
77:11 91:13	<b>advice</b> 47:17	<b>apology</b> 41:10	<b>associated</b>	<b>becoming</b> 67:21
<b>actionable</b> 35:10	<b>advised</b> 41:23	41:15,24 42:5	79:24	<b>behalf</b> 2:5,9
<b>actions</b> 21:8,11	<b>affairs</b> 70:3	<b>appeared</b> 2:4,8	<b>assume</b> 5:4	91:22 92:1
41:2 58:15	<b>afternoon</b> 1:19	91:21,25	<b>assuming</b> 6:14	<b>behavior</b> 41:6
68:9 69:7	91:9	<b>appears</b> 9:13	28:22 33:6	<b>belief</b> 26:16,24
<b>actively</b> 36:8	<b>Afton</b> 1:17 91:7	85:22	<b>assure</b> 58:15	58:23
46:10	<b>aggressive</b> 49:14	<b>application</b> 87:5	<b>attached</b> 28:10	<b>believe</b> 12:4
<b>activities</b> 17:13	<b>agree</b> 43:10	<b>apply</b> 53:25	28:21,25	14:10 20:13
18:11,15 27:11	64:10	87:11,22	<b>attend</b> 39:20,24	21:6 26:3
38:2	<b>agreed</b> 22:9 63:7	<b>appointed</b> 51:25	<b>attendance</b>	30:22 31:13
<b>activity</b> 20:24	<b>ahead</b> 23:7 38:8	<b>appointment</b>	43:25	38:12 46:17
59:3	51:7 63:19	24:16	<b>attended</b> 40:11	47:15,19 52:12
<b>acts</b> 1:13	71:24	<b>appreciate</b> 4:19	61:9	55:10 57:19
<b>adamantly</b>	<b>al</b> 1:4,7 30:24	<b>appropriate</b>	<b>attorney</b> 3:12	59:15 68:14
12:25	31:1,8,16,22	14:15 31:6	4:17 13:24	73:16 74:17
<b>added</b> 74:1 84:3	32:4,21,24	41:7 72:22	28:16 29:3,15	78:11 80:17,22
<b>addition</b> 56:5	33:4,8 35:5	<b>approved</b> 49:18	29:20 30:17	87:14



<b>believed</b> 41:6 56:13 <b>Beloit</b> 1:7,16,17 3:3 6:10,11 8:4 12:1 17:6,14 17:20,24 18:13 22:24 43:16 52:6,23 60:8 64:7 69:20 77:7 91:6,7,16 <b>benefit</b> 13:1 27:22 63:18 70:18 75:17,25 <b>benefits</b> 73:5,7 75:6 86:3,8,17 <b>better</b> 27:13 69:22 78:17 82:8 <b>Betty</b> 10:6,20,21 11:8,13,14,23 12:3,11,12,21 14:22 16:13 <b>Bill</b> 78:13 <b>billing</b> 62:8,10 62:15 67:21 70:17 73:20,21 <b>birth</b> 5:12 <b>board</b> 2:22,25 13:4 16:2,2,8 16:21 18:5,25 19:7,15,19 20:2,7 37:25 41:10,19 51:7 52:3,16,17 57:12 60:7,17 63:8 64:10 65:6,11,12 71:10,13,24 73:9 77:1,3 78:10 81:2,15 85:12,15,16 <b>Boards</b> 85:13,19 <b>Board's</b> 37:23 63:11 71:1 <b>Bogdonas</b> 2:24 81:7 83:25 86:11 <b>boss</b> 15:2 <b>bottom</b> 67:7 71:4 73:15 <b>bound</b> 47:11 <b>Box</b> 2:7 91:24 <b>break</b> 5:9 <b>bring</b> 19:12 38:2 <b>bringing</b> 70:11 <b>Brookfield</b> 2:3 91:20 <b>brought</b> 32:13	33:3 36:17 44:17 70:7 72:17 75:18 <b>browbeat</b> 46:6 <b>budget</b> 62:21 67:18 75:6 81:15,16,23 82:2,20 83:12 83:18 85:14,17 85:18 <b>budgeted</b> 82:12 <b>building</b> 36:13 79:20 <b>bump</b> 74:19,20 <b>bumping</b> 68:4 <b>burdensome</b> 71:23 <b>Burkee</b> 21:14,18 21:19 22:2,8 22:12 23:14,17 23:23,24 24:7 24:10,13 25:15 25:18,25 <b>Burkee's</b> 22:15 23:3  <b>C</b> <b>C</b> 2:1 4:1 91:18 <b>call</b> 13:15 70:6,9 78:22 <b>called</b> 4:3 31:17 32:17 63:5 72:8 74:8 <b>Capitol</b> 2:3 91:20 <b>Caple</b> 61:22 <b>Captain</b> 78:8 <b>car</b> 45:8 78:1 <b>care</b> 50:23 64:21 72:3 84:1 <b>case</b> 1:6 9:4 21:25 22:7 36:22 41:7,21 41:22 79:7 82:3 <b>cases</b> 40:22 <b>catch</b> 58:9 <b>categories</b> 49:8 72:5 <b>category</b> 84:15 84:16 85:12 <b>caught</b> 19:3 <b>cause</b> 9:8 35:11 79:23 89:17,19 92:6 <b>caused</b> 20:17 79:8 <b>certain</b> 14:12	16:7 41:3 43:22 <b>certainly</b> 22:5 <b>certify</b> 91:5 <b>chain</b> 16:1,9,15 16:21 17:2 50:3,10 <b>chairman</b> 52:3 52:17 78:10 <b>change</b> 62:9 64:11 79:12 80:2,18 88:18 <b>changed</b> 80:11 81:8 <b>changeover</b> 8:8 <b>changes</b> 51:8 60:21 71:12 <b>charges</b> 44:15 44:17 45:12 79:22 <b>Charter</b> 79:16 80:2 <b>chat</b> 38:4 <b>check</b> 86:23 <b>Chicago</b> 40:4,11 <b>chief</b> 4:14 21:9 21:12,17 22:1 23:4,12,16,20 24:16 25:5,6 25:11 26:5,8 26:23 27:4,9 29:2,5,11 30:1 30:7 31:18 32:16,21,25 33:6,20,24 34:3,5,11 35:1 35:16 36:13 37:15 38:2,5,9 38:20 39:10,19 42:19 43:12,21 44:8,22,23 45:14,22,25 46:19 47:19,25 48:14,18 49:24 50:1,21 51:2 51:17 52:1,11 53:3 55:4,7 56:5,7 58:24 59:4,14,20 64:2 65:22 66:6 67:3,8,22 70:13 72:1,4,6 72:9,21 89:1 <b>Chiefs</b> 58:20 73:6 75:13 <b>CHRISTINE</b> 1:15 91:3 <b>circumstance</b>	26:22 <b>circumstances</b> 21:25 40:24 <b>citations</b> 59:12 <b>cite</b> 80:19 <b>cited</b> 9:8 <b>city</b> 7:1,14,21 7:23 8:8 9:2,8 9:13,22,25 10:3,12,18,24 11:4,4 13:20 13:24,25 14:1 14:6,20,25 40:4 <b>civil</b> 1:13 4:11 <b>claims</b> 49:15 <b>clarification</b> 30:17 <b>clarify</b> 23:19 <b>classification</b> 62:5 <b>clear</b> 19:8 32:7 49:23 58:22 83:4 <b>clearly</b> 49:15 <b>clerical</b> 11:3 26:3,4 63:15 66:22 70:10,11 72:11,13 75:19 75:20 76:9,11 <b>clerk</b> 3:4 11:2,7 11:11 12:10,11 19:15,19 52:5 61:11 62:2,8 62:10,15,15 63:3,10,15 64:1 67:21 70:14 71:20 73:20,24 74:3 74:6,8 75:4 79:9 80:18 84:17,18 86:2 87:6,10 <b>Clerk's</b> 73:21 <b>closer</b> 7:10 <b>code</b> 80:21,22 <b>collective</b> 20:20 61:3 <b>collusion</b> 43:21 44:7 65:22 <b>column</b> 82:24 83:1 <b>come</b> 24:7 26:6 37:12,13 40:16 45:6 <b>coming</b> 32:10 59:8 63:25 <b>command</b> 16:1	16:10,15,22 17:3 50:4,11 <b>commencing</b> 1:19 91:9 <b>comments</b> 38:15,16 49:12 56:19 <b>Commission</b> 92:20 <b>Commissioner</b> 85:13,13 <b>Commissioners</b> 85:19 <b>common</b> 52:18 <b>commotion</b> 13:2 15:19 89:2 <b>communicating</b> 11:17 <b>communication</b> 13:9,10 14:6 27:3 <b>communicati...</b> 14:17 <b>communicator</b> 14:12 <b>communities</b> 64:8 69:4 <b>community</b> 11:16 12:21,22 17:10 24:16,19 30:10 72:12 <b>comp</b> 68:21 <b>compensation</b> 68:16 <b>complaint</b> 19:13 19:14 20:16 21:6,14 23:4 23:14,18,20,22 23:23,25 24:5 24:25 25:1 28:20 29:8,13 30:18,21,23 35:22 36:1 38:9 41:4,5 46:7 47:9 48:24 53:18 <b>complaints</b> 16:10 18:24 19:6,9,11,12 19:17 20:1,6 20:12,20,23 21:2,7 23:12 23:16 29:1 53:2 88:7,10 88:24 89:4,5 <b>complete</b> 31:4 <b>completed</b> 25:22 32:5,9
--	--	---	--	---



34:4 49:2 57:17 <b>computers</b> 79:11 <b>concept</b> 41:1 <b>concern</b> 16:17 18:5,25 35:11 35:23 <b>concerned</b> 30:8 35:15 45:6,10 52:13 <b>concerns</b> 37:24 69:10 71:16 <b>conclude</b> 25:22 54:21 <b>concluded</b> 25:24 90:2 <b>conclusion</b> 26:6 44:9 45:24 <b>conduct</b> 28:17 29:16,22 30:25 33:5 36:18 <b>conducted</b> 31:15 <b>conducting</b> 31:9 59:22 <b>confidence</b> 44:1 44:4,18 46:9 46:19 55:16 <b>confident</b> 22:20 <b>confidentiality</b> 61:2,19 <b>confirmation</b> 40:10 <b>confirming</b> 34:10 <b>conflict</b> 11:6,14 13:21 14:1 35:16 65:19,25 66:1 68:23 <b>conflicts</b> 66:11 <b>confused</b> 24:1 <b>confusing</b> 76:13 <b>connection</b> 46:18 79:12 <b>considering</b> 69:20 <b>consistent</b> 69:18 <b>contacting</b> 30:17 <b>contained</b> 34:15 <b>contract</b> 22:6 67:1 <b>contracts</b> 18:6 <b>contrite</b> 57:11 <b>control</b> 65:23 71:1 77:12	<b>conversation</b> 29:1 31:1 42:11,15,18 45:20 51:14,17 51:20 53:1 57:25 76:22 77:13,14 79:3 <b>conversations</b> 29:5 31:22 36:12 52:16 78:3 <b>cooperation</b> 38:11 <b>coordinating</b> 17:12 <b>copies</b> 3:11 61:14 82:7,8,8 <b>copy</b> 34:1,5 53:23 54:9 56:21 <b>corner</b> 34:18 <b>correct</b> 8:25 14:24 16:16 17:18 21:5 28:8,9,12,17 28:18 33:13 34:20 39:13 41:13 45:15,19 51:15 52:20 54:15,18,19 55:25 56:8 57:16 59:18 60:25 61:1,5 62:5,20,23 64:25 66:4,7 67:14 70:22 71:8 73:8 75:10 76:5 81:20 82:13 83:8,17 84:8 84:11 85:20 86:6 92:8 <b>Cos</b> 52:3 <b>cost</b> 62:19 63:16 65:15 67:10,15 71:1,12 73:10 73:22 79:19 80:2,3,7 <b>costs</b> 70:23 72:16 79:24 80:5 83:10,15 84:10 85:7,21 <b>council</b> 8:9,10 8:17 9:14,19 9:23 10:1,3 12:15,18,24,24 13:13,20 14:1 14:20,25	<b>counseling</b> 39:18 40:6 57:14 58:14 <b>counselor</b> 40:3 40:11 <b>County</b> 77:16 91:2 <b>couple</b> 4:15 37:16 40:9 64:16 79:15 <b>course</b> 31:21 59:24 <b>court</b> 1:1 40:22 62:24 63:3,10 63:23 64:1,2,4 71:20 73:24 74:4,6,7,8 79:9 81:4 89:23 91:14 <b>courts</b> 40:24 85:19 <b>Court's</b> 80:18 <b>Court/Recept...</b> 75:4 <b>covered</b> 84:14 85:12 <b>create</b> 59:5 63:14 65:14 <b>created</b> 17:21 66:22 <b>creating</b> 58:24 59:14 68:1 <b>creation</b> 70:14 <b>Creek</b> 7:21 8:7 9:7 10:24 11:23 14:5 16:14 <b>current</b> 6:8 52:17 <b>cut</b> 66:18,19 82:1 83:18  <b>D</b> <b>D</b> 2:12 3:6,8 4:1 <b>Daguanno</b> 52:3 <b>dancing</b> 13:12 <b>Daphne</b> 43:6 46:4 47:25 51:6,13,16 55:2 59:16,24 61:7 68:25 <b>Daphne's</b> 43:16 46:5 <b>data</b> 3:3 87:5,9 87:15 <b>date</b> 5:12 22:19 28:22 40:7 46:16 48:8	60:9 88:17 <b>dated</b> 9:6 32:1 39:12 41:12 52:25 86:5 87:10 92:18 <b>Dave</b> 78:11 <b>day</b> 1:18 30:22 37:4,5 38:7 42:2 59:25 91:8 92:18 <b>days</b> 40:17 86:18,21 <b>dealing</b> 20:12 50:21 55:21 60:18 <b>deals</b> 69:19 <b>dealt</b> 35:21 50:17,18,19 <b>December</b> 5:13 21:15 23:25 28:23 29:13 45:3,12 67:4 92:20 <b>decide</b> 8:16 <b>decided</b> 14:2 24:17 45:21 63:18 78:19 <b>decision</b> 9:24 13:24 39:14 40:16 47:9 49:19 58:11 77:25 81:25 86:7,9 89:3 <b>decisions</b> 60:16 <b>Decker</b> 67:3 83:24 <b>Decker's</b> 66:25 <b>declare</b> 53:9 <b>decreased</b> 85:18 <b>Defendants</b> 1:8 2:9 91:17 92:1 <b>degree</b> 5:17,24 7:7 <b>delayed</b> 79:15 <b>delete</b> 67:8 <b>deleted</b> 62:4 67:22 73:20,25 74:2 <b>deletion</b> 62:11 <b>delivery</b> 32:6 <b>demeanor</b> 77:11 <b>demotion</b> 77:1 <b>denied</b> 49:17 <b>Dennis</b> 13:7,7 13:15 <b>departed</b> 12:10 <b>department</b> 1:17 15:21	19:9,10 21:4 21:20 22:3,25 26:2,5 27:5,6,8 27:12,18,20 28:11 33:5 35:17,19 36:4 36:8,15,18,25 37:2,10 38:1,1 43:8,22,23 47:7 49:21 51:8 52:9 54:13,17 58:17 58:19,22 59:1 60:14,16 63:4 63:15 64:15 65:19,22,23,24 66:10,13,21 67:12 68:10,19 68:23 70:7 71:16,21 72:13 75:23 76:4,10 78:2,9,19 79:10,14,25 81:17 82:9 83:18 84:7 89:3 91:7 <b>departments</b> 17:22,24 18:10 51:9 <b>depicted</b> 73:14 <b>deponent</b> 92:4 <b>deposition</b> 1:10 4:11,14 5:7 90:2 91:5 92:9 <b>Deputy</b> 44:23 61:24 62:3,6 62:12,13 66:6 67:8,20,22 72:1,4,6 73:6 73:19 75:13 <b>describe</b> 8:22 <b>description</b> 2:17 3:3 51:3 87:9 <b>descriptions</b> 10:12 51:11 <b>desk</b> 74:12 <b>detail</b> 73:12 <b>details</b> 34:6 <b>determined</b> 24:20 <b>develop</b> 18:16 <b>dictated</b> 21:3 <b>difference</b> 27:19 <b>different</b> 12:11 18:10 61:13 69:7 81:5 <b>differently</b> 14:8 14:9 24:23
---	---	--	---	---

<b>direct</b> 57:8 77:20 <b>directed</b> 20:14 65:16 <b>directing</b> 17:12 <b>direction</b> 71:1 77:14 <b>directly</b> 16:2,8 18:4,4,24 19:6 20:2,6,23 50:3 50:8,19,20 68:8,25 79:25 <b>disability</b> 68:13 <b>disagree</b> 67:5 <b>disagreed</b> 58:11 <b>disappeared</b> 67:2 <b>disappointed</b> 38:18 <b>disciplinary</b> 29:18 31:6 40:25 55:16 <b>discipline</b> 39:15 <b>discretion</b> 31:16 <b>discuss</b> 26:12,15 26:23 38:22 48:14 <b>discussed</b> 24:8 24:10 37:21 44:1 63:6 <b>discussing</b> 33:23 <b>discussion</b> 9:22 25:6 32:7 33:20 38:24 59:20 <b>discussions</b> 44:13,20 45:23 <b>disgruntled</b> 10:10 <b>dispute</b> 34:16 76:24 <b>dissension</b> 58:21 <b>DISTRICT</b> 1:1,2 91:14,14 <b>diversity</b> 39:25 <b>Doctrine</b> 81:3,9 <b>document</b> 22:3 22:14 27:25 28:2,5 31:2 39:8 53:15 60:4 81:13 <b>documented</b> 40:14 <b>documents</b> 51:12 53:15 81:6 87:1	<b>doing</b> 11:9 16:14 16:24 17:1 25:21 30:7 36:25 80:3 <b>dollars</b> 67:17 <b>door</b> 37:14 52:2 <b>dozen</b> 75:23 <b>Dransfield</b> 44:23 48:5 50:6,7,20 50:22 <b>Dransfield's</b> 48:11,21 <b>drawing</b> 36:21 <b>Drive</b> 2:3 6:9 91:20 <b>driven</b> 45:7 73:23 <b>Drost</b> 52:12 <b>due</b> 47:22 79:16 79:17 <b>duly</b> 4:5 <b>duress</b> 11:1 52:2 76:20 <b>duties</b> 10:12 62:25 66:15,17 69:2,5,11,12 69:13,21 72:1 72:3,9,11,13 72:17 73:1 74:3,4 81:4 <hr/> <b>E</b> <b>E</b> 2:1,1,12,16 3:6,6,6,6,8,8 4:1,1 34:18,19 91:18,18 <b>early</b> 22:7 <b>earning</b> 62:3 <b>East</b> 6:9 <b>Eastman</b> 2:10 92:2 <b>education</b> 5:16 <b>effectiveness</b> 60:24 <b>efficiency</b> 60:24 <b>efficient</b> 72:15 <b>effort</b> 45:14 <b>efforts</b> 17:19 29:12 <b>eight</b> 7:5,17 60:22 <b>either</b> 11:19 28:23 46:7 74:16 76:24 <b>eliminated</b> 75:13,15 77:19 <b>eliminating</b> 65:18 68:22	<b>emotional</b> 30:6 <b>Emotionally</b> 30:6 <b>emotions</b> 30:8 <b>employed</b> 22:22 <b>employee</b> 13:20 18:15 69:23 72:16 75:19 78:12 86:16 <b>employees</b> 2:20 15:9,20,24 16:8,18,19 17:1 18:3,15 18:21 20:11,23 36:10 41:3 60:8 69:4 71:17 74:11 83:19 86:20 <b>employer</b> 13:2 <b>employer-em...</b> 65:19 68:22 <b>employer-em...</b> 66:11 <b>employment</b> 6:17 9:14 11:19 12:16,19 22:8 30:12 61:19 71:22 <b>ended</b> 22:11 85:9,10 <b>enforce</b> 65:10 <b>enforcement</b> 62:25 63:24 75:21 81:5 <b>entail</b> 17:9 <b>entitled</b> 9:7 <b>entity</b> 63:24 <b>entry</b> 3:4 87:5,9 87:15 <b>environment</b> 17:6,21,23 20:5 21:4,7 23:1 58:16,19 58:25 59:5,11 59:13,19 <b>environments</b> 18:23 <b>equipped</b> 75:20 <b>error</b> 26:3,4 62:20,22 <b>establish</b> 17:25 18:20 <b>established</b> 18:1 18:2,12,15 <b>et</b> 1:4,7 91:15 91:16 <b>event</b> 4:25 <b>events</b> 38:24	39:2 <b>eventually</b> 87:19 <b>everybody</b> 74:14 <b>evident</b> 46:9 <b>exact</b> 28:22 34:6 38:17 39:3 42:14 48:8 76:21 <b>exactly</b> 12:17,20 13:9 17:9 30:18 33:14 48:15 49:10 56:11,14 79:23 85:3 <b>examination</b> 2:13 4:7 92:4 <b>examined</b> 4:5 <b>example</b> 68:12 70:6 <b>exams</b> 87:16 <b>Exhibit</b> 2:17 8:12,13,19 9:3 15:4,4 19:17 19:20 20:9 27:24 28:4,6 28:21 32:1 33:1,11 34:2 38:6,20 39:8 41:9 46:16 52:21 60:4 71:6 79:1,1 80:14,14,24 81:12 85:24,24 87:3,8 <b>Exhibits</b> 3:10 4:2 87:2 <b>existed</b> 34:25 70:20 71:9 <b>existing</b> 74:18 80:9 <b>exists</b> 77:9 <b>expect</b> 22:21 25:14 26:19,25 40:8 80:9 81:10 89:12 <b>expectations</b> 12:11 37:24 <b>expected</b> 15:10 38:11 <b>expense</b> 62:20 82:10 83:13 <b>experience</b> 14:5 <b>expires</b> 92:20 <b>explain</b> 25:8,11 <b>explained</b> 24:14 71:3 <b>explore</b> 35:4	<b>explosive</b> 78:7 <b>expressed</b> 61:10 <b>extent</b> 69:5 <b>extra</b> 77:16 <b>eyes</b> 37:7 <b>E-mailed</b> 32:8 <hr/> <b>F</b> <b>face</b> 13:3 <b>fact</b> 33:10 49:16 53:17,19 54:16 54:19 55:12 59:6 66:5 73:13 78:7,21 <b>facts</b> 8:25 36:23 55:12 <b>fairly</b> 31:7 35:18 36:4 <b>fairness</b> 36:20 <b>Fall</b> 85:19 <b>false</b> 58:21 <b>far</b> 66:12 <b>fast</b> 40:5 <b>fate</b> 8:16,17 <b>fault</b> 58:20 <b>fear</b> 17:1 34:24 <b>feared</b> 34:21 35:6,13 <b>February</b> 46:17 46:18,24 47:24 52:25 54:8 60:10,12 64:10 65:2 68:24 69:16 70:20 71:10 75:12 81:2 87:25 88:15,19,21 <b>Federal</b> 1:12 <b>feel</b> 18:11 19:10 19:12 36:14 78:17 <b>Felger</b> 48:6,11 48:12,25 50:2 50:18 <b>Felger's</b> 48:21 48:22 49:6 50:5,9 <b>fell</b> 44:6 49:8 <b>fellow</b> 10:10 <b>felt</b> 8:9 9:24 12:9 24:22 26:10 29:17 30:20 35:17 42:24 49:19 63:2,4 64:9 65:13 78:15 <b>fence</b> 9:20,23 <b>Festival</b> 85:20
---	---	--	--	--

<b>figure</b> 75:6 <b>file</b> 21:17 22:10 22:15,18,20,21 40:15 <b>filed</b> 23:22 24:25 25:2 26:21 29:13 45:12 53:2 <b>files</b> 61:11,21 <b>filing</b> 44:15 <b>filled</b> 84:1 <b>fills</b> 84:4 <b>finalist</b> 22:2 <b>financial</b> 60:20 69:2,5,7,13 <b>find</b> 11:24 30:18 34:24 <b>finding</b> 27:5 31:23 35:5 58:3 <b>findings</b> 42:4,7 <b>fine</b> 64:1 <b>fingers</b> 36:22 <b>fire</b> 1:16 60:15 83:9,13,15 91:6 <b>fired</b> 44:17 <b>first</b> 4:4 6:17,21 10:10 17:23 22:22 23:3 28:19 33:17 38:4 41:1,4 43:2,3 48:24 50:10 51:25 55:17 63:2 71:6 86:13,13 86:14,18,19 <b>Fisher</b> 43:7,18 43:19,19 46:4 47:25 55:2 59:16 61:7 71:14 83:24 <b>Fisher's</b> 45:1 51:6,13,17,20 68:25 <b>fit</b> 64:22 74:14 <b>five</b> 87:17 <b>fix</b> 65:15 <b>Fladthammer</b> 2:23 79:7 <b>flag</b> 61:15 <b>Flint</b> 2:18,19 8:13 9:5 <b>focus</b> 70:19 <b>focused</b> 70:16 <b>foldout</b> 82:6 <b>follow</b> 15:22 20:13 74:21	<b>followed</b> 15:11 <b>following</b> 33:24 <b>follows</b> 4:6 <b>follow-up</b> 82:15 <b>force</b> 15:1 <b>foregoing</b> 92:7 <b>form</b> 23:6 55:15 <b>formal</b> 88:16 <b>forth</b> 27:4 <b>forward</b> 36:16 71:14 <b>forwarded</b> 34:5 <b>found</b> 14:23 45:20 50:15 <b>four</b> 39:25 40:11 81:24 82:1,2 <b>fourth</b> 82:25 <b>frankly</b> 15:16 <b>fraud</b> 69:9,14 <b>free</b> 47:12 53:16 <b>Freedom</b> 47:11 47:15,20 53:10 53:13,14,25 <b>front</b> 12:15,18 28:11 32:2 74:12 <b>full</b> 31:4 38:11 92:7 <b>full-time</b> 85:11 <b>functioning</b> 70:11 <b>functions</b> 62:1,7 70:10 <b>fundamentally</b> 81:24 <b>furnishings</b> 80:10 <b>furniture</b> 79:22 80:7 <b>further</b> 35:4 <b>future</b> 14:8 <hr/> <b>G</b> <b>G</b> 4:1 <b>gain</b> 29:12 76:9 <b>gained</b> 76:11,12 76:14 <b>gaining</b> 13:23 76:6 <b>Garetson</b> 78:11 <b>gathering</b> 57:21 <b>Gazette</b> 52:22 54:9 <b>Gehl</b> 78:9 <b>general</b> 15:19 17:10 18:8,8 20:24 27:23 35:23	<b>generally</b> 16:17 17:25 27:16 37:17,20,22 89:1 <b>generated</b> 14:14 <b>getting</b> 7:6 48:6 48:12,13,22 51:23 79:18 82:1 <b>give</b> 24:17 42:9 69:24 <b>given</b> 4:11 10:4 24:1 51:21 75:22 <b>go</b> 6:25 7:13,20 8:2 12:14 23:7 24:18 25:4 38:8 51:7 58:14 61:14,20 63:18 71:24 76:2 89:4,23 <b>goal</b> 71:2 <b>goes</b> 12:3 27:18 56:23 <b>going</b> 4:15 5:4,7 8:11,12 9:4 13:5,25 14:8 15:3 16:1,3,8,9 16:14,20 20:2 20:6,25 23:23 24:18,20 26:1 26:20 27:24 30:2 31:11 34:17 36:14 37:22 38:10 39:7 40:5 41:8 44:7 45:17 46:15 49:25 50:1,3,11,22 55:14,23 58:16 60:3 61:20 62:24 64:5 65:15,15,18 67:22 69:1 71:11 72:3 77:14,15 78:14 78:20,25 79:24 80:13,24 81:18 81:21 85:7,23 87:1 89:17 <b>good</b> 10:14 64:18 82:7 <b>gotten</b> 28:20 48:4 <b>graduated</b> 5:14 6:12 <b>graduating</b> 6:18 <b>graft</b> 69:9,15,21	<b>Greg</b> 52:19,20 78:10 <b>grievance</b> 18:7 36:16 80:17 <b>grievances</b> 15:11,13 16:1 16:22 20:21 26:10,21 35:20 35:21 36:6 <b>Groves</b> 52:19,20 77:18 78:10 <b>guess</b> 70:9 <b>guidance</b> 29:20 65:12 <b>guide</b> 77:13 <hr/> <b>H</b> <b>H</b> 2:16 <b>half</b> 5:8 37:4 47:4 <b>Hall</b> 10:12 14:7 74:10,11 77:17 79:10,13,14,20 80:8 <b>hallway</b> 37:12 37:13 <b>Halma-Jilek</b> 92:21 <b>Hamline</b> 5:21 7:7 <b>handed</b> 24:2 32:12 <b>handful</b> 88:9,20 <b>handle</b> 19:13 <b>handled</b> 21:10 <b>handling</b> 15:11 15:13,23 36:6 <b>hands</b> 31:14,25 51:12 61:18 <b>happen</b> 63:19 68:7 <b>happened</b> 24:13 40:9 52:11 68:9 <b>happening</b> 20:17 22:13 27:4,6,16 56:4 71:15 85:9 <b>hardware</b> 79:16 <b>hats</b> 17:15 <b>head</b> 4:24 19:10 19:10 22:25 27:8 88:8 <b>heading</b> 52:1 <b>hear</b> 35:11 <b>heard</b> 20:1,6 23:17 58:7 <b>Hearing</b> 8:16	<b>heat</b> 58:9 <b>held</b> 12:9 44:20 <b>help</b> 27:15 31:9 78:18 <b>helped</b> 27:13 <b>Henderson</b> 78:14 <b>herring</b> 14:18 <b>high</b> 5:14 <b>highest</b> 5:16 89:13 <b>highly</b> 13:16 14:1 30:6 42:16 <b>hips</b> 12:23 <b>hired</b> 11:4 12:10 29:15 79:17 <b>history</b> 6:4,15 86:23 <b>hold</b> 6:20 <b>Holland</b> 63:7 <b>home</b> 6:8 <b>honest</b> 15:16 <b>hostile</b> 17:5,21 17:23 18:23 20:4 21:3,7 23:1 58:16,25 59:5,10,18 <b>hours</b> 5:8 30:23 39:25 40:12 <b>Hugo</b> 7:14 11:19 <hr/> <b>I</b> <b>idea</b> 80:7 88:13 <b>identified</b> 39:22 <b>identifies</b> 34:21 <b>identify</b> 8:12 9:5 15:4 18:7 22:25 39:8 41:9 60:4 79:1 80:14 81:13 85:24 87:3 <b>ID'd</b> 2:17 <b>immediate</b> 30:21 <b>immediately</b> 68:12,17 <b>impact</b> 60:7,20 67:18 <b>impact's</b> 62:21 <b>impartial</b> 31:4 <b>implemented</b> 47:10 <b>important</b> 71:18 <b>improve</b> 60:24 <b>Improving</b> 61:2 69:1 70:2 <b>inaccurate</b> 8:23
---	--	--	--	--

<p>9:17  <b>inadvertent</b>  26:2  <b>inappropriate</b>  41:5 49:10  63:3 64:9  <b>inappropriately</b>  49:1  <b>incapable</b> 11:9  <b>incident</b> 21:16  <b>include</b> 85:15  <b>included</b> 51:10  69:10 82:3  <b>includes</b> 84:16  <b>including</b> 29:19  52:17 79:20  83:22  <b>increased</b> 84:10  <b>indicate</b> 13:8  15:21 53:3  57:10  <b>indicated</b> 17:16  <b>indicates</b> 81:17  <b>indicating</b> 10:9  15:9 21:18  <b>individual</b> 10:5  12:23 16:23  20:14 69:8  <b>individually</b>  60:19 89:9  <b>individuals</b> 69:8  <b>informally</b> 88:25  <b>information</b>  16:7 25:4 27:1  27:7 42:6  47:12,15,20  51:21,24 52:15  53:10,13,14,25  61:10,14 71:17  <b>informed</b> 24:24  25:1,14,15  38:8,9 43:19  43:24 45:4  52:6,10 55:1  61:7 75:12  79:6  <b>informing</b> 22:1  <b>initiate</b> 88:2  <b>initiated</b> 87:25  88:5,14,20  <b>inkling</b> 16:25  <b>input</b> 65:12  <b>insensitive</b>  23:21  <b>installation</b>  79:21  <b>instance</b> 1:11  15:17,18 91:10</p>	<p><b>instructions</b>  25:9  <b>insure</b> 59:25  <b>intended</b> 55:2  <b>intent</b> 6:5 66:20  <b>interaction</b> 59:2  <b>interchangeably</b>  81:11  <b>interest</b> 38:3  61:9  <b>internal</b> 87:24  88:13,20  <b>internally</b> 88:25  <b>Internet</b> 79:12  79:21  <b>interrogatories</b>  91:11  <b>interruption</b>  69:21  <b>interview</b> 25:20  <b>interviewed</b>  31:12 87:18  <b>interviews</b> 33:5  <b>inundated</b> 26:9  <b>investigate</b> 20:4  36:23  <b>investigated</b>  20:22,24 21:10  21:15 36:17  45:16 47:9  89:4  <b>investigates</b>  52:23  <b>investigating</b>  49:13  <b>investigation</b>  25:16,23 28:17  29:7,16,22  30:2,25 31:3,5  31:10,15,21  32:22 33:1,8  33:12 36:6  38:8,10 39:11  47:18 49:1  53:18 54:3,9  55:3 59:23  <b>investigations</b>  31:14 36:19  54:3 87:24  88:14,17,20  89:11  <b>investigative</b>  42:4  <b>involved</b> 13:25  16:20 36:8  46:10 84:20  <b>involving</b> 89:6  <b>in-service</b> 21:19</p>	<p><b>irate</b> 14:2  <b>issue</b> 10:18,20  10:21,23 11:18  12:20 13:12  14:18,21 15:14  23:5,9,9 25:7  35:4,9 36:20  37:11 48:19,20  49:20 50:18,19  50:22 53:11  54:25 57:20  58:24 59:13  63:6,20,21  64:12,14,22  68:24 69:16,18  70:5  <b>issued</b> 22:19  <b>issues</b> 11:17,25  12:15,17 14:6  18:3 48:23  49:6 50:17  53:22 60:13,15  69:25 70:8,9  71:9 72:10  <b>issue's</b> 64:23  <b>issuing</b> 59:12  <b>item</b> 64:23  68:22 70:23  <b>items</b> 19:18  30:4 56:10</p> <hr/> <p><b>J</b></p> <p><b>Janesville</b> 54:8  <b>January</b> 8:6,14  9:6 32:1,17  34:8 38:21  39:12 41:12  42:1 43:4 45:2  45:13,13 46:17  51:1 84:22,23  84:25 85:1  <b>Jennifer</b> 87:20  87:22  <b>job</b> 3:3 6:5 10:12  17:8 24:20  51:2,11 61:25  62:5 69:12,19  74:7 75:8  80:18 87:9  <b>jobs</b> 11:9  <b>John</b> 31:7 39:10  41:17 42:16  44:14 53:3,6  53:20,20  <b>John's</b> 41:10  <b>joined</b> 12:23  <b>Journal</b> 2:18,19  8:13 9:5</p>	<p><b>judge</b> 63:7,7  <b>judgment</b> 30:9  30:14  <b>jumping</b> 74:15  <b>June</b> 81:8  <b>junior</b> 67:1,1  76:4  <b>justification</b>  39:5  <b>justify</b> 14:19</p> <hr/> <p><b>K</b></p> <p><b>K</b> 3:8  <b>keep</b> 9:21 31:8  <b>Kelly</b> 66:17  <b>kept</b> 76:14  <b>kind</b> 11:3 18:9  25:16 26:10  31:1 72:22  80:1  <b>kindly</b> 4:22  <b>KLINNER</b> 2:6  91:23  <b>knew</b> 17:23  24:14 27:19  37:10 42:4  49:22 54:11,16  55:24 56:9  65:21  <b>know</b> 4:14 5:1  5:10 14:10  15:16 16:2  18:18 19:16  22:17 23:8,19  23:19 24:13  27:22 28:22  30:11 31:18  33:4,7 35:22  41:3,14,23  46:2 50:17,24  56:6,11,17,20  62:17 77:10  78:13 82:18  83:19 88:16,18  <b>knowledge</b>  16:23 23:20  25:3 41:25  42:3,6 52:18  57:24 65:3  86:10  <b>knowledgeable</b>  21:24  <b>known</b> 27:10  56:22  <b>KRAMER</b> 2:6  91:23  <b>Kris</b> 2:10 92:2</p>	<p><b>L</b></p> <p><b>labor</b> 29:20  39:17  <b>laid</b> 67:4  <b>language</b> 23:21  39:5 41:11,20  44:15 46:8  <b>lasted</b> 11:5  <b>late</b> 43:3 45:7,13  48:2 65:5  <b>Laura</b> 84:3  <b>law</b> 2:2 13:1  54:10 62:25  63:24 68:3  75:21 81:5  91:19  <b>lawsuit</b> 4:12  <b>lay</b> 76:3  <b>laying</b> 68:17  76:7  <b>leadership</b> 10:25  14:16 43:23  <b>learn</b> 23:3 33:17  43:17 48:19  <b>learned</b> 14:4  23:24 25:4  45:13  <b>learning</b> 39:1  <b>leave</b> 8:7 14:3  24:18 65:16  66:20 68:20  74:14 86:2,8  86:17  <b>leaving</b> 9:2 11:2  26:1 86:20  <b>left</b> 6:21,24 7:12  8:2,8 84:4  86:11,13  <b>legal</b> 14:13  29:20 30:5  71:19  <b>Legally</b> 30:11  <b>Lengjak</b> 3:1  <b>Leroy</b> 52:12  <b>letter</b> 2:23,24  3:2 39:9,14,22  39:24 40:8  41:24 42:5,8  77:1,3 81:7,15  <b>let's</b> 71:24  <b>level</b> 5:16 29:24  <b>leverage</b> 26:5,7  26:24 29:12  <b>Levy</b> 28:16 29:3  29:6,15 30:17  30:24 31:2,22  32:4,21,24  33:4,15 35:5</p>
--	--	---	---	---



39:17 40:20 56:21 <b>Levy's</b> 28:5 31:16 41:21,21 42:1,4 53:24 <b>licensed</b> 75:21 <b>Lieutenant</b> 6:21 <b>life</b> 10:2 <b>light</b> 58:8 <b>line</b> 41:18 44:6 49:16 <b>lines</b> 36:21 49:22,23 <b>list</b> 28:10 34:18 60:22 62:10 <b>listed</b> 62:11 73:1 73:3 <b>listen</b> 10:14,19 12:1 <b>listened</b> 71:8 <b>little</b> 22:7 <b>LLP</b> 2:6 91:23 <b>Local</b> 80:16 <b>long</b> 7:3,16,23 37:17 65:1 <b>longer</b> 8:9 22:16 22:20 59:11 <b>longstanding</b> 60:13 <b>look</b> 37:7 64:13 69:19 <b>looking</b> 24:15 28:4 73:19 82:22,24 <b>looks</b> 6:12 15:24 28:4 <b>lose</b> 66:23,24 76:8,10 <b>lost</b> 76:11 <b>lot</b> 13:23 15:2 16:13 71:18 73:22 <b>lower</b> 34:18 75:19 <b>lumped</b> 80:1 <b>lunch</b> 74:13 <b>Luzinski</b> 24:3,6 25:2 26:4,7,12 26:24 44:24 <b>Lynn</b> 61:22	<b>majority</b> 59:6 <b>making</b> 50:2,7 51:7 54:17 85:10 <b>man</b> 10:14 <b>managed</b> 74:24 <b>management</b> 17:11 18:9,19 49:20 57:1,5 64:18 70:2 72:10,20 <b>manager</b> 7:21,23 8:16 9:7 10:18 11:1,4,5 17:15 17:17,20 <b>March</b> 86:5 87:10 <b>marked</b> 4:2 8:11 9:3 15:3 28:6 33:1 34:2 38:5 38:19 39:7 41:8 46:15 52:21 60:3 78:25 80:13 81:12 85:23 <b>married</b> 64:16 64:16,17,20 65:1,4 <b>Mary</b> 2:11 33:11 33:21 34:10 42:19,25 45:25 46:6,10,11 51:2 52:8 65:1 66:16 73:24 79:8 87:4,25 88:7,19,23,24 89:6,13 92:3 <b>Mary's</b> 33:17 46:3 75:3 <b>Master's</b> 5:17 6:14 7:7 <b>matter</b> 27:3 30:20 33:22 34:22 92:9 <b>matters</b> 55:22 <b>Mayor</b> 13:7,15 <b>mean</b> 19:6 28:2 50:25 61:6 62:25 65:20 69:2,23 70:4 70:23 86:15 <b>means</b> 55:3 69:6 <b>media</b> 53:23 <b>meet</b> 26:15,23 30:16 32:4 37:15 43:10 <b>meeting</b> 25:5 26:12 31:18	32:18,20,24 43:14,15 48:3 61:8 <b>meetings</b> 37:17 37:20 43:20,25 44:21 45:5 61:9 <b>member</b> 9:23 10:3 12:24 14:1,25 37:25 61:12,17,18 <b>members</b> 9:19 10:1 11:21,22 13:13,20 14:20 16:2,3,9,21 18:25 19:19 20:2 35:16 43:22 44:3 52:9,16 58:7 59:8 <b>memo</b> 2:20,22 2:25 3:1 15:12 15:15 20:10,14 20:18 21:2,18 25:12 28:7,25 41:15,21 42:2 <b>memorandum</b> 15:8 86:1 <b>memory</b> 24:1,2 32:6 49:7 65:4 66:17 76:21 <b>mention</b> 56:24 81:2 <b>mentioned</b> 18:22 36:5 78:12,15 <b>merits</b> 35:22 <b>Merrill</b> 2:7 91:24 <b>met</b> 43:12 47:25 48:10,18 71:2 75:11 77:18 <b>Michigan</b> 7:22 <b>million</b> 83:13 <b>Milwaukee</b> 91:2 92:19 <b>mind</b> 29:25 <b>Minneapolis</b> 7:9 <b>Minnesota</b> 5:25 6:13,18 7:2,4 7:15 11:20,20 <b>minority</b> 21:20 <b>minute</b> 15:17 64:5 <b>minutes</b> 37:4,19 89:17 <b>miserable</b> 10:2 <b>mistake</b> 25:24 <b>mistaken</b> 82:23	<b>moment</b> 77:10 <b>Monday</b> 47:6 <b>money</b> 63:16 65:16 69:19 71:2 <b>month</b> 22:10 <b>months</b> 22:4,5,6 22:18 40:1,7,9 <b>morale</b> 18:16 <b>MORAN</b> 1:15 91:3 <b>morning</b> 53:6 <b>motivated</b> 53:4 <b>motivation</b> 54:25 56:12 57:25 <b>motive</b> 55:11,22 55:24 <b>move</b> 11:3 79:19 <b>moved</b> 44:24 74:10 <b>moving</b> 79:8,9 79:21 <b>mulls</b> 8:17 <b>Museus</b> 1:10 2:14,20,22,23 2:24,25 3:1,2 4:3,10 8:17 10:11 42:2 47:6,10 53:6 57:12 91:6 <b>M-U-S-E-U-S</b> 4:10	<b>never</b> 20:6 58:12 58:22 69:18 <b>new</b> 11:4,4 12:10 63:14 65:13 66:22 68:1 70:12 72:14,24 73:2 74:1 75:3 80:8 82:5 <b>news</b> 46:19 52:22 <b>newspaper</b> 57:4 <b>newspaper's</b> 55:6 <b>nigger</b> 34:11 <b>night</b> 45:7 <b>Nods</b> 4:24 <b>non-union</b> 61:18 <b>Notary</b> 1:15 91:3 92:15 <b>note</b> 67:11 <b>notes</b> 92:10 <b>notice</b> 67:7 84:9 86:18,22 87:4 <b>November</b> 15:9 15:12 20:18 21:3,15 23:25 81:22,25 <b>number</b> 26:21 35:20 40:22 60:13 62:24 63:8 64:23 65:18 66:8,13 66:20 69:1,22 74:24 76:15 78:5 88:8 89:11,13 <b>numerous</b> 20:20 36:12 89:5
<b>M</b> <b>M</b> 3:6,8 <b>machine</b> 92:10 <b>mad</b> 12:25 <b>maintain</b> 61:18 <b>major</b> 5:22 6:3 10:25			<b>N</b> <b>N</b> 2:1,12 3:8 4:1 91:18 <b>name</b> 4:9,10 10:6 13:19 37:10 52:12 83:20 87:20 <b>nature</b> 79:22 <b>near</b> 7:9 13:6 <b>need</b> 5:8 35:24 35:25 60:11 78:22 86:17 <b>needed</b> 14:3 15:22 30:13,21 49:21 56:3,6 80:11 <b>negotiation</b> 32:11 <b>neighboring</b> 13:21 <b>nepotism</b> 64:15 64:23,24 65:10 80:23 <b>net</b> 68:10	<b>O</b> <b>O</b> 3:8 4:1 <b>oath</b> 35:13 <b>object</b> 23:6 55:14 <b>objected</b> 76:17 <b>objection</b> 4:18 4:20,23 <b>objections</b> 63:11 <b>obligation</b> 35:17 <b>observing</b> 36:9 <b>obtain</b> 5:18 <b>obtained</b> 56:21 <b>obviously</b> 70:19 <b>occupied</b> 74:18 <b>occur</b> 36:23 <b>occurred</b> 40:13 45:3 48:16

74:23 86:24 88:18 <b>occurrence</b> 16:12 20:15 36:1 41:1 <b>occurrences</b> 86:19 <b>occurring</b> 16:6 36:9 43:8 60:15 <b>offended</b> 34:12 <b>offensive</b> 58:25 <b>office</b> 9:8 12:4 24:7 37:14 50:16 75:24 76:16 79:19 80:8 <b>officer</b> 6:19,20 23:3 24:3,4,5,7 24:13 25:2 26:3 37:10 43:6,19 44:16 45:6 48:25 51:20 59:17 66:25 67:1,3 68:6,17 71:14 72:17 75:1 76:11 82:4 83:23,24,24 86:11 <b>officers</b> 28:12 31:11 34:21 35:5,12 40:23 44:14 46:11,20 49:22 50:16 59:7,11 68:16 68:20 75:15,21 75:23 76:6 81:24 82:1,3,5 83:25 <b>OFFICES</b> 2:2 91:19 <b>Oh</b> 15:8 37:19 73:12 83:3 <b>okay</b> 4:23 5:5,10 7:11 15:12 32:3 62:18 82:14,17,23 83:3 85:23 89:21,25 <b>old</b> 51:12 <b>once</b> 24:19 25:25 34:4 37:2 44:16 50:23 <b>one's</b> 59:17 <b>ongoing</b> 69:18 <b>open</b> 14:11,16	37:14 54:10 <b>operations</b> 60:25 <b>opinion</b> 31:5 <b>opportunity</b> 8:19 9:10 32:4 64:14,24 69:9 69:14 <b>opposed</b> 10:1 12:25 16:21 50:3 59:4 <b>order</b> 79:10 <b>organization</b> 72:20 74:21 <b>organize</b> 17:12 <b>original</b> 3:10,11 3:12 92:10 <b>originally</b> 21:14 23:24 <b>oust</b> 65:22 <b>outlined</b> 15:23 <b>outside</b> 36:17,18 78:21 <b>overtime</b> 48:5,6 48:11,12,13,19 48:20,22,25 49:7,9,15,17 50:8,9 70:8 73:23 75:1 <b>owner</b> 13:22 15:1 <b>o'clock</b> 1:19  <b>P</b> <b>P</b> 2:1,1 4:1 91:18 91:18 <b>package</b> 60:20 64:13 <b>page</b> 2:13 10:6 13:6 32:2 34:17 71:6 81:17 <b>paint</b> 59:13 <b>Palmer</b> 84:3,4 <b>paper</b> 46:23 47:2 <b>paper's</b> 54:21 <b>paragraph</b> 53:5 55:18 <b>paragraphs</b> 34:19 <b>parked</b> 78:21 <b>parking</b> 13:23 15:2 <b>part</b> 14:24,25 17:5,16,19 18:22 26:19 28:4 31:9 32:11 46:13	59:3 61:25 75:17 <b>particular</b> 9:4 15:15 31:10 33:22 43:17 56:19,23 66:5 <b>parties</b> 51:22,23 <b>partly</b> 79:7 <b>part-time</b> 84:19 85:10 87:5 <b>passed</b> 27:1 <b>patrol</b> 66:24 68:6,15 75:15 76:6 <b>patrolman's</b> 66:23 <b>pay</b> 62:9 63:25 75:1,19 86:7 <b>paying</b> 86:2 <b>payment</b> 49:18 49:25 <b>payroll</b> 49:4 84:19 <b>pending</b> 91:13 <b>people</b> 14:11 30:12 36:17,21 37:7,8,9 49:9 58:10 59:2,4 64:19,20 66:9 66:12,14 74:12 74:25 75:2 78:5 <b>percent</b> 85:4 <b>perfectly</b> 13:5 <b>period</b> 22:11,17 36:7 68:13,15 89:6 <b>person</b> 64:16,17 67:11 68:6 76:4,11 79:17 <b>personal</b> 45:10 <b>personality</b> 78:7 <b>personally</b> 21:24 22:11 29:22 42:9 49:18 <b>personnel</b> 15:10 15:23 17:15,17 17:20 18:2,13 19:8 21:17 22:10,18 40:15 41:2 49:4,25 60:17 61:3,11 61:11,21 62:1 62:7 64:18 66:21 68:9 70:8,14 74:22 75:24 80:23 83:2,3,9,12,15	84:10 85:7,21 86:2 <b>person's</b> 59:22 <b>perspective</b> 8:24 <b>perturbed</b> 30:7 42:16 <b>phone</b> 32:8,9 <b>phrased</b> 56:16 <b>physically</b> 74:10 <b>picked</b> 75:8 <b>picnics</b> 18:18 <b>place</b> 40:2,3,6 43:14,15,22 77:16 92:11 <b>placed</b> 22:15 40:14 <b>places</b> 56:17 <b>placing</b> 21:16 <b>Plaintiffs</b> 1:5,11 2:5 4:4 91:11 91:16,22 <b>planning</b> 17:11 <b>playing</b> 16:18 <b>plus</b> 82:4 <b>point</b> 4:16 14:2 20:1 35:10 38:22 42:17 46:2 53:9 54:7 54:11 55:6 56:12 57:17 63:17 69:24 77:12,24 88:12 <b>pointing</b> 36:22 50:8 <b>police</b> 15:20 21:4 22:3 28:7 30:1 33:4 36:24 37:10 38:1,1 40:23 43:8,22 44:16 46:11 50:16 51:8 52:1,12 53:2 55:7 56:5 58:17,19 60:14 63:4,10,14,24 64:3,15 65:19 66:10,13 67:8 68:23 70:6,13 71:15,21 72:9 72:9,17 73:2 73:25 74:5 75:9 76:4 79:9 79:14,20,25 81:17,23 82:9 82:20,25 83:16 83:18 84:6 85:18 89:3 <b>policies</b> 17:25	18:13 <b>policy</b> 14:14 15:10,23,25 18:2,22 19:8 31:13 37:14 64:19 65:13 72:10 86:16 <b>politically</b> 53:4 <b>politics</b> 16:18 55:21 <b>portion</b> 75:8 <b>position</b> 11:11 22:2 44:24 51:25 55:4 61:23 62:3,7,9 63:13,14 66:6 66:18,19,22,22 66:23,24 67:8 67:10,15,16,23 68:2,2,5 70:12 72:18,22 73:1 73:2,18,24 74:2,5,9,16,18 74:24 75:3,13 75:14 76:3,9 76:19 77:18 84:1,2 85:10 85:11 87:6,11 87:19,22 <b>positions</b> 11:3 69:12 74:1 85:8 <b>possibility</b> 32:10 78:16 <b>possible</b> 29:19 29:24 69:14 <b>possibly</b> 30:1 59:21 <b>potential</b> 69:21 <b>potlucks</b> 18:18 <b>powers</b> 63:22 64:21 81:3,9 <b>practices</b> 49:5 <b>preparing</b> 81:16 <b>present</b> 2:10 19:15 43:12 92:2 <b>presentation</b> 81:1 <b>presented</b> 19:18 21:17 <b>press</b> 14:19 <b>pressure</b> 58:12 <b>pressured</b> 44:2 <b>pretty</b> 52:18 81:10 <b>prevent</b> 17:20 23:1
---	--	---	--	---



<b>prevented</b> 47:16	<b>purpose</b> 27:9	57:22	<b>red</b> 14:18	39:3 42:14
<b>previous</b> 52:1,11	44:17	<b>real</b> 32:7 82:7	<b>redid</b> 62:5	43:3 46:7 48:8
78:6	<b>purposes</b> 33:7	<b>reality</b> 67:18	<b>reduce</b> 65:25	48:9 56:11,14
<b>prior</b> 11:19	54:21	<b>realized</b> 26:1	69:14	57:6,25 85:3
23:12,13,21	<b>pursuant</b> 1:12	41:17,18	<b>reduced</b> 82:2,4	86:11 87:20
32:16 41:15,24	<b>put</b> 13:3 14:22	<b>really</b> 47:12	<b>reducing</b> 64:24	88:8
42:4 47:24	22:9 60:18,19	67:19 73:13	70:23 81:24	<b>reminders</b> 4:15
48:3 49:25	61:17 63:12	<b>reason</b> 5:9 9:2	<b>reduction</b> 83:23	<b>removed</b> 22:6
65:2 70:20	75:15,21	35:3 38:12	<b>referred</b> 20:8	<b>removing</b> 11:11
86:9 88:14	<b>putting</b> 67:20,21	<b>reasonable</b>	<b>referring</b> 12:6	55:3
<b>probably</b> 5:7	76:7	59:23	19:17	<b>reorganization</b>
30:22 37:16	<b>p.m</b> 90:2	<b>reasons</b> 14:13	<b>refers</b> 55:15	60:8 66:5,9,15
38:7 49:12,17	<b>P.O</b> 2:7 91:24	60:23 71:19	57:2	66:16 69:10
51:4		79:15	<b>reflected</b> 92:10	70:25 75:18
<b>problem</b> 13:9,10	<b>Q</b>	<b>reassign</b> 72:21	<b>regard</b> 11:17	79:4,5,8 85:8
49:11 59:7,14	<b>quarter</b> 47:4	80:22	14:5,7 18:23	<b>reorganized</b>
70:19	<b>quest</b> 22:8	<b>reassigned</b>	21:11 31:22	10:11 72:12
<b>Procedure</b> 1:13	<b>question</b> 4:21	59:24	36:5 38:19	<b>report</b> 28:5 29:7
<b>proceedings</b>	4:22,25 5:4	<b>recall</b> 28:20	48:18 54:12	31:24 32:1,5,6
92:8	23:7 56:14,15	44:12 46:23	66:10,11 71:25	32:16 33:16,19
<b>process</b> 15:22	57:6,8 73:10	76:25 87:13	85:20 86:23	33:24 34:2,4
18:7,8 20:12	77:20	<b>receipt</b> 50:9	88:19	34:10,15 38:5
20:21 21:1	<b>questioning</b>	<b>receive</b> 84:25	<b>regarding</b> 12:16	38:19,20 41:21
40:21 47:22	57:23	86:16	12:18 15:12	42:1 47:23
67:25 68:10	<b>questions</b> 4:16	<b>received</b> 20:19	21:8,16 22:25	53:24 54:4
<b>processes</b> 18:2	4:19 5:3 31:24	20:22 21:6,8	32:22,25 40:23	55:7,16,17
18:19,23	89:14,18	21:19 24:5	43:7 48:21	56:21 57:15,22
<b>produced</b> 29:7	<b>quite</b> 57:10	28:14 33:19	53:14 60:7	60:6
<b>professional</b>	<b>quotes</b> 10:13	47:17 53:23	70:14 77:1	<b>reporter</b> 56:15
72:8,20	47:8,11 53:5	57:21 84:21	79:4 80:17	56:16,20 57:7
<b>program</b> 57:14	57:1,1,11	87:5 88:7,24	86:2	57:9,22 89:24
<b>programs</b> 18:19		<b>receiving</b> 30:23	<b>reinforce</b> 20:11	<b>reporter's</b> 57:24
<b>projected</b> 83:11	<b>R</b>	48:25	<b>reinforced</b> 51:20	<b>reporting</b> 70:9
<b>projections</b>	<b>R</b> 2:1,4 3:6,8 4:1	<b>Receptionist</b>	<b>reinforcing</b>	92:21
82:18	91:18,21	74:9	20:25	<b>represent</b> 64:3
<b>property</b> 13:22	<b>race</b> 24:24	<b>recess</b> 90:1	<b>related</b> 53:12	<b>representative</b>
15:1	<b>racial</b> 23:16,21	<b>recognition</b>	79:25 88:23	79:6
<b>proposed</b> 60:7	28:10 29:8,25	18:13	<b>relating</b> 37:9	<b>represented</b>
60:21	30:13 44:15	<b>recollection</b>	<b>relationships</b>	4:17
<b>proven</b> 54:12,23	52:23 53:21	10:17 12:6,17	18:20	<b>representing</b>
55:8 58:4	54:13,17 55:8	16:5,12 23:10	<b>relative</b> 92:6	29:21
<b>provide</b> 5:2,3	56:6 58:4	23:15 24:9	<b>relay</b> 55:11	<b>reprimand</b> 57:23
19:14 22:24	<b>racism</b> 23:5	25:13 26:25	<b>relaying</b> 45:1	58:5
77:1,23 78:2	<b>raise</b> 18:3 35:23	28:1,3 32:15	<b>release</b> 89:19	<b>reprimanded</b>
86:17,21	43:2 84:25	32:20 34:1	<b>released</b> 47:22	57:13
<b>provided</b> 35:20	<b>raised</b> 12:15,17	46:5,25 48:15	53:16	<b>request</b> 31:20
38:20 60:6	35:9 37:25	58:2	<b>reliability</b> 71:16	43:16 47:20
<b>providing</b> 34:1	61:15,15	<b>recommendat...</b>	<b>remain</b> 7:3,16	48:4,8,9,11,21
<b>provisions</b> 1:12	<b>raises</b> 84:21	30:14 39:16	7:23 68:3	50:2,5,8 56:17
<b>public</b> 1:15 5:23	85:5	40:19	<b>remained</b> 9:25	<b>requested</b> 29:21
13:4 37:25	<b>raising</b> 23:5	<b>record</b> 4:9,20	22:16 74:6	43:7 60:17
55:23 56:1,3,9	<b>ran</b> 12:23	15:5 22:4 60:5	<b>remains</b> 22:18	77:22,23 78:18
58:3,7 91:4	<b>rank</b> 6:20	79:2 80:15	<b>remarks</b> 49:9	<b>requesting</b> 48:5
92:15	<b>rate</b> 75:19	81:14 85:25	<b>remember</b> 13:19	48:25 51:10
<b>pulled</b> 22:4	<b>reacting</b> 37:8	92:8	15:16 23:8	76:25
<b>punishment</b>	41:20	<b>records</b> 54:10	25:21 31:19	<b>require</b> 39:18,20
45:17 57:20	<b>read</b> 8:19 85:17	61:19 62:8,10	32:14 33:23	40:5
58:8	<b>reading</b> 34:14	62:15,15 71:18	34:6,13 38:17	<b>required</b> 15:15

24:18 40:14 57:13 60:16 79:11,13 <b>requires</b> 22:6 39:24 <b>requiring</b> 58:13 <b>resign</b> 11:6 <b>resignation</b> 9:19 <b>resigned</b> 9:13 52:2,15 83:25 <b>resigns</b> 9:7 <b>resolves</b> 19:11 <b>resourcing</b> 17:13 <b>respond</b> 77:5 <b>responded</b> 56:16 <b>response</b> 57:8 80:16 <b>responsibilities</b> 17:11 30:9 61:16 72:6,14 72:19,23 74:7 <b>responsibility</b> 17:9,16 27:17 53:21 <b>responsible</b> 11:10 70:17 <b>rest</b> 13:4 <b>restaurant</b> 43:15 <b>restructuring</b> 60:12,23 <b>result</b> 29:18 39:10 50:7 51:6 68:10 74:2 <b>results</b> 32:25 54:3 <b>retained</b> 67:12 72:23 74:25 <b>retaliated</b> 23:4 <b>retaliating</b> 23:13 <b>retaliation</b> 17:2 19:1 21:12,21 34:21 35:2,6 35:14 <b>retire</b> 76:2 <b>retired</b> 11:1,2 <b>retirement</b> 86:4 <b>retiring</b> 76:18 <b>Rettko</b> 2:2,4,14 3:13 4:8 19:25 23:11 55:19 89:14,16 91:19 91:21 <b>returning</b> 30:11 <b>reverse</b> 58:12	<b>review</b> 9:10 13:24 33:10 <b>reviewed</b> 36:16 40:22 49:24 <b>revising</b> 51:11 <b>revolve</b> 12:13 <b>revolved</b> 12:12 <b>re-organizing</b> 65:24 <b>RICHARD</b> 2:8 91:25 <b>rid</b> 14:23 43:21 44:8,14 45:14 45:21 <b>right</b> 16:14 17:17 19:21 20:18 29:9 33:12 34:18 41:12 45:18 48:1,7,13 49:3 49:7 51:14 52:14 54:4,6 54:14,17,20 55:9,24 56:7 57:15 61:20 62:22 64:6,23 65:7 66:3,11 66:17 67:13 73:7 76:13,20 82:10 83:11,21 84:12 85:3 87:21 89:10,22 <b>rights</b> 57:1,5 68:4 <b>risk</b> 60:2 <b>Road</b> 1:17 91:7 <b>Robert</b> 1:10 2:14 4:3,10 47:6 91:5 <b>Rock</b> 77:16 <b>role</b> 46:3 72:7 <b>roles</b> 43:23 <b>roughly</b> 83:6,7 <b>routine</b> 34:7 <b>RPR</b> 1:15 91:3 <b>rule</b> 65:10 <b>Rules</b> 1:12 <b>run</b> 30:9 52:7 77:6 <b>Rushford</b> 7:2,4,9 7:12 11:20  <b>S</b> <b>S</b> 2:1,16 3:6,6,8 3:8 4:1 91:18 <b>safety</b> 45:10 <b>salary</b> 67:13 <b>sat</b> 4:14	<b>Saturday</b> 87:7 <b>save</b> 71:2 <b>saves</b> 67:16 <b>savings</b> 62:19 67:9,19,23 71:12 73:10,14 73:23 <b>saw</b> 63:17,25 71:11 <b>saying</b> 9:15 53:24 89:8 <b>says</b> 10:13 47:5 54:7 55:10 56:25 62:24 65:18 82:9 <b>scheduled</b> 24:21 25:9 83:22 <b>scheduling</b> 25:25 <b>school</b> 5:14 <b>score</b> 87:17 <b>Second</b> 63:6,20 63:21 <b>Secretary</b> 73:2 74:5 75:9 <b>section</b> 80:19,20 <b>secure</b> 79:13 <b>security</b> 71:17 77:23 78:2,4 <b>see</b> 9:18 10:15 13:2 14:21 19:20 20:4 28:2 34:22 37:6,7,8 42:1 46:20 47:4,13 53:7 59:11 60:22 62:3,10 62:11,12,16,17 81:18 82:22,22 83:9 <b>seeing</b> 46:23 47:1 <b>seeking</b> 11:15 <b>seen</b> 27:24 <b>segregate</b> 69:5 69:11,13 <b>segregation</b> 69:1 69:20 <b>senior</b> 10:25 <b>sensitivity</b> 39:20,25 40:12 57:14,18 58:5 58:14 <b>sent</b> 3:10,12 15:8 <b>separate</b> 48:23 53:22 63:23,23 69:7 71:20,21	74:5 <b>separating</b> 62:24 64:19 81:4 <b>separation</b> 63:22 64:21 81:2,9 <b>September</b> 1:18 91:8 92:18 <b>sergeant</b> 44:25 48:4,5,10 49:6 50:6,18,19,22 68:3,12,14 72:7,8 76:3,12 76:14,16 77:2 84:4,5 86:3,12 86:12 <b>sergeants</b> 76:15 84:6,8 <b>Sergeant's</b> 67:13 67:15,16,23 68:1,2,5 72:23 74:16 76:19 <b>series</b> 4:16 44:20 <b>seriously</b> 78:13 <b>serve</b> 17:13 40:17 <b>served</b> 27:9 52:5 62:1 <b>serves</b> 49:7 66:17 <b>service</b> 6:21 10:1 79:13,21 86:12,21 <b>serving</b> 61:24 <b>set</b> 80:4,8 <b>severe</b> 29:18 30:21 40:25 <b>sexual</b> 46:8 <b>Shannon</b> 10:7,9 10:20,21 11:8 11:13,14,23 12:3 14:22 16:13 <b>share</b> 27:6 <b>shared</b> 33:15 <b>sheet</b> 82:6,15 <b>Sheriff</b> 77:16,20 77:22,23 78:4 78:21 <b>sheriffs</b> 78:2,9 78:19 <b>shift</b> 45:7 59:25 <b>shifting</b> 62:18 <b>shooting</b> 18:17 <b>shorter</b> 37:6 <b>shorthand</b> 92:10	<b>shorthanded</b> 68:19 <b>shortly</b> 10:11 28:23 <b>short-term</b> 60:15 68:13 <b>shot</b> 53:6,19 54:22 <b>show</b> 8:11 9:3 15:3 39:7 41:8 46:15 52:21 60:3,20 62:19 78:25 80:13 81:12 85:23 87:1 <b>showing</b> 82:20 <b>shows</b> 62:18 83:12 <b>sic</b> 15:9 <b>sick</b> 68:20 74:13 <b>side</b> 30:5,6 38:25 39:1 <b>sides</b> 36:21 <b>significant</b> 75:25 <b>signing</b> 46:6 <b>silent</b> 53:10 <b>similar</b> 40:23 <b>sir</b> 5:12 <b>sit</b> 20:3,17 38:4 38:21 73:9,17 <b>sitting</b> 64:2 <b>situation</b> 42:12 48:7 78:22 <b>six</b> 22:4,6,10,18 40:1,7 <b>size</b> 81:18 <b>slash</b> 73:21 <b>slipup</b> 24:21 <b>slurs</b> 23:17 28:10 29:8,25 30:13 52:23 53:21 54:13,17 55:8 56:6 58:4 <b>small</b> 17:10 69:3 72:12 75:22 <b>snowplowing</b> 13:22 <b>software</b> 79:11 79:18 80:4,5 <b>somebody</b> 16:15 54:25 63:25 70:15 74:13 78:17 <b>soon</b> 34:9 40:5 <b>sorry</b> 82:7 89:25 <b>sought</b> 29:19 65:11
--	--	--	---	---

<b>Sounds</b> 16:13 <b>South</b> 1:17 43:15 91:7 <b>so-to-speak</b> 45:9 <b>space</b> 63:13 <b>speak</b> 16:19 43:7,9 <b>speaking</b> 56:13 66:1 <b>specific</b> 15:17 15:18 16:5,12 16:23 20:14,15 21:8 22:17 23:10 25:13 26:25 27:22 30:19 35:25,25 36:1 42:14 49:16 <b>specifically</b> 29:8 32:13 46:4 59:17 69:25 77:25 <b>specifics</b> 33:8 <b>spend</b> 70:15 <b>spoke</b> 22:11 52:4 <b>spoken</b> 21:25 <b>squad</b> 45:8 77:17,25 <b>SS</b> 91:1 <b>staff</b> 10:19 11:18,21,22 12:1 14:6 <b>staffers</b> 10:10 11:7 <b>staffing</b> 17:12 <b>stamp</b> 34:17 <b>stand</b> 23:9 <b>standard</b> 12:9 <b>start</b> 8:5 51:7 68:18 <b>started</b> 58:23 89:2 <b>starts</b> 51:11 55:17 <b>state</b> 1:16 4:9 44:12 58:7,20 91:1,4 92:16 <b>stated</b> 44:11,13 71:15 81:4 <b>statement</b> 35:23 50:25 91:12 <b>states</b> 1:1 6:19 6:24 54:8 91:14 <b>stating</b> 59:8 <b>station</b> 63:10 <b>Statute</b> 80:19	<b>stay</b> 9:24 13:17 31:13 53:10 <b>stayed</b> 7:6 36:7 36:12 <b>staying</b> 67:12 <b>step</b> 62:24 <b>stepped</b> 41:17 <b>steps</b> 34:24 36:3 41:3 <b>stop</b> 37:13 <b>stopped</b> 16:4 41:5 <b>story</b> 8:20,23 9:1 13:6 <b>straight</b> 31:8 <b>street</b> 37:13 44:5 45:11 59:10 75:16,22 75:25 76:8,10 <b>stress</b> 12:4,6,8 <b>Strife</b> 9:7 <b>stupid</b> 49:12 <b>style</b> 14:16 18:9 <b>subject</b> 4:23 22:9 30:20 47:20 <b>subordinates</b> 11:2 23:13 66:3 <b>substantially</b> 89:12 <b>substantiated</b> 88:11 <b>sudden</b> 71:23 <b>Suite</b> 2:3 91:20 <b>supervising</b> 64:17 <b>supervisor</b> 72:7 <b>supervisors</b> 17:2 <b>supervisory</b> 72:6 <b>supplementary</b> 1:14 <b>support</b> 8:9 44:5 59:9 60:1 <b>supportive</b> 13:16 <b>sure</b> 16:4 35:18 35:21 36:4,19 40:8 49:10,21 49:23 50:5 55:23 56:9 62:14 80:5 89:18 <b>surrender</b> 57:1,4 <b>suspension</b> 40:17 <b>Swartz</b> 7:21 8:7	9:7 10:24 11:23 14:5 16:14 <b>switching</b> 73:18 <b>sworn</b> 4:5 92:5 <b>system</b> 63:23 64:4 <b>S.C</b> 2:2 91:19 <hr/> <b>T</b> <hr/> <b>T</b> 2:16 3:6,6,8 <b>tactic</b> 26:11 <b>take</b> 5:9 6:5 15:25 17:20 19:9 26:22 29:25 34:24 35:24 36:1 40:2,6 41:2,7 43:14 47:1 50:23 51:18 57:13 58:15 64:21 65:9,23 68:4 77:12 87:13 89:17 <b>taken</b> 1:10 18:24 21:9 53:6 72:3 90:1 91:6,10,12 92:11 <b>talk</b> 11:21,22 12:14 14:11,13 29:11 32:14,16 38:23 47:13,21 53:16 54:2 64:1 <b>talked</b> 32:9 33:6 63:8 <b>talking</b> 13:7,11 13:18 25:17 47:16 52:25 73:18 83:2 <b>task</b> 14:22 <b>team</b> 18:17 <b>Teamsters</b> 80:16 <b>tell</b> 4:21 12:20 35:1,5 39:1 42:20,24 50:1 50:6,11,21 57:3 77:6,18 79:23 <b>temporary</b> 84:19 <b>term</b> 63:22 81:8 <b>terminal</b> 86:2,8 86:16 <b>terminate</b> 9:14 <b>terminated</b> 30:2 30:12	<b>termination</b> 29:19,24 40:25 <b>terminology</b> 81:5 <b>terms</b> 46:5 81:10 <b>test</b> 87:6,13,14 87:15 <b>testified</b> 4:5 19:4 33:11 67:3 <b>testify</b> 71:8 92:5 <b>testifying</b> 34:22 35:6,12 <b>testimony</b> 22:14 33:18,21,24 51:6,13,14 67:5 70:7 <b>thereabouts</b> 83:8 <b>thereof</b> 1:14 <b>thereto</b> 1:14 <b>thing</b> 52:11 <b>things</b> 14:12,14 35:18 36:4 38:2 61:7 70:13,18 71:19 78:12 79:22 80:11 <b>think</b> 8:25,25 10:2,13,20 11:1,21,22 12:8,12 13:11 13:15 14:10,12 14:17,18 15:17 15:18,19,21 16:17 18:18 20:3,10,25 26:9 27:3,11 27:15 35:9 36:7,20 37:9 38:7,17 40:8 41:17,18 42:15 42:17 48:23 49:7 53:12,13 53:22 54:24 55:13,15,21 56:3,12 59:1,6 59:10,12 63:5 64:12,13 67:25 68:8 70:5 71:2 71:13,19 73:16 73:17,22 75:17 76:14 77:8,10 82:15 84:18 85:3,15 88:23 89:11 <b>third</b> 13:6 53:5	<b>thought</b> 17:5 24:23 25:1 26:2 30:3 40:21 52:7 58:8 67:25 69:25 70:10 <b>thousand</b> 67:16 <b>threatened</b> 44:4 <b>three</b> 5:8,8 68:20 72:5 74:12 82:4,25 84:6,8 <b>three-fourths</b> 56:24 <b>tied</b> 37:22 76:16 <b>tightened</b> 49:4 <b>till</b> 6:22 47:21 68:18 <b>Tilley</b> 52:14 <b>Tilly</b> 52:7 <b>time</b> 4:17 5:2,9 11:8 12:10 13:17 14:2,15 15:14 16:11,25 21:2 22:17 24:2,3 26:9,20 28:19 31:7 32:11 33:7,25 35:19 36:7 37:16,23 38:16 39:19 42:8,12 42:16,18,21,24 43:3,5,6,17 44:19 46:2,9 46:12 47:18,19 51:1,10 52:3 52:10 53:9,23 55:1 56:12 61:12,24 63:12 63:17 64:21 65:7,9,13,17 65:21 68:20 69:23 70:16 75:11,23 76:1 76:10 77:2,5,9 77:12,24 79:15 79:24 80:4 81:7 87:2 89:6 92:11 <b>timecards</b> 49:13 49:24 <b>times</b> 31:11 33:4 37:12,16 63:9 86:14 <b>titled</b> 8:16 <b>today</b> 13:16 <b>told</b> 31:8 34:11 39:4 59:17
---	---	--	--	---

75:14 76:1,17 <b>Tom</b> 78:8 <b>top</b> 60:23 87:17 88:8 <b>total</b> 82:9,24 84:8 <b>totally</b> 58:20,22 <b>touch</b> 29:3 <b>town</b> 1:7 2:20,22 2:25 3:3 8:3 11:25 15:8,25 16:2,8,20 17:6 17:8,13,14,19 17:24 18:1,4 18:12,17,24 19:7,14,15,18 19:19 20:2,7 20:11 22:23,23 29:21 36:18 37:23 41:10 47:5 51:9 52:3 52:6,17,22 56:25 57:4,12 60:7,8,11,17 60:21 61:11 63:11 64:6,7 65:6,6,11,12 69:15,20 70:3 70:15,18,25,25 71:24 73:9 74:10,11 77:6 77:17 78:10,12 78:14 79:10,13 79:14,20 80:8 81:2 85:15,16 85:18 86:1,9 91:16 <b>Township</b> 46:19 <b>Town's</b> 17:22 30:14 39:16 60:25 61:19 62:1 64:18 <b>track</b> 74:22 <b>trained</b> 75:20 <b>training</b> 21:19 22:24 24:17,22 25:10,25 39:18 39:21,25 40:12 57:18 58:6,14 <b>transcript</b> 3:12 <b>transcripts</b> 3:11 <b>trap</b> 18:17 <b>treasurer</b> 11:7,8 11:12,13 61:25 62:3,6,12 67:20 69:11 73:19 <b>treated</b> 24:23	<b>tried</b> 20:10 37:2 77:13 <b>trigger</b> 71:13 <b>true</b> 11:24 19:2 38:13 54:12,23 55:8 58:4 59:15 66:8 69:3 78:23 92:7 <b>truth</b> 54:24 92:5 92:5,6 <b>try</b> 16:19 18:16 36:14 <b>trying</b> 12:22 13:3 18:10,20 26:4 55:6,11 63:9 69:11 77:12 <b>turned</b> 30:24 31:2 <b>turnover</b> 10:25 <b>two</b> 7:24 9:18,18 9:20,25 11:2,5 11:7 30:4 48:23 49:8 53:22 64:19,20 81:6,10 82:25 86:13,14,19 87:1 <b>typical</b> 26:11 <b>typically</b> 63:5  <b>U</b> <b>U</b> 3:6,8 <b>Uhm-hum</b> 8:15 8:18 9:9 10:8 15:6,6 52:24 80:25 84:24 88:3 <b>unacceptable</b> 39:6 <b>undermine</b> 11:15 12:22 <b>understand</b> 5:1 14:21 44:21 45:1 56:1 73:6 <b>understanding</b> 27:21 40:21 65:4 72:2 <b>understood</b> 5:4 <b>union</b> 18:6 21:18 22:5 23:22 24:4,25 26:11,15,21 27:12 28:7,14 30:16 32:11 35:20 43:20 44:2,3 45:14	45:21 46:11,13 53:2,5,19 54:22 55:2,24 56:6 57:2,5 59:4,9 61:8,12 61:17 67:1 79:3 <b>union's</b> 29:2,6 29:11 54:11 55:11 <b>unit</b> 61:13 <b>United</b> 1:1 6:19 6:24 91:13 <b>University</b> 5:21 5:25 6:13,18 7:7 <b>unusual</b> 26:22 <b>upheld</b> 40:24 <b>upset</b> 31:7 41:19 58:3 <b>use</b> 26:4 30:13 34:13 39:5 41:11,19 44:15 44:18 46:8 50:9 54:13,24 55:2 69:22 <b>usually</b> 79:6 <b>utility</b> 70:17  <b>V</b> <b>vacancy</b> 84:4 <b>various</b> 17:22 69:12 <b>verbal</b> 91:11 <b>verifiable</b> 51:18 <b>verify</b> 51:16 <b>versus</b> 83:16 <b>view</b> 21:21 <b>viewed</b> 72:5 <b>violate</b> 13:1 <b>violated</b> 15:25 <b>violates</b> 64:18 <b>violence</b> 78:16 <b>violent</b> 78:8 <b>vote</b> 10:3 44:1,3 44:18 46:8,20 <b>voted</b> 44:1 <b>voting</b> 9:14 <b>vs</b> 1:6  <b>W</b> <b>W</b> 2:8 91:25 <b>waited</b> 68:18 <b>Waldinger</b> 83:24 <b>walk</b> 37:6 <b>walking</b> 18:9 <b>walk-through</b> 36:13 37:3	<b>walk-throughs</b> 36:24 37:1 <b>want</b> 35:3 56:1,9 63:16 65:14 69:7 77:2 89:18 <b>wanted</b> 9:19,21 14:20 15:1,20 15:21 16:4 31:4,5 32:15 64:1 71:20 <b>warned</b> 78:6 <b>wasn't</b> 24:21 51:13 52:13 53:16 58:16 64:12 73:14 74:20 78:23 83:4 <b>Waterford</b> 6:9 <b>Wausau</b> 2:7 91:24 <b>waves</b> 65:14 <b>way</b> 47:5 55:17 56:14,25 63:22 64:8 <b>ways</b> 14:23 <b>week</b> 37:2,16 <b>weeks</b> 68:14,15 78:6 <b>went</b> 14:18 33:4 33:9 72:13,14 72:21 73:12 74:4 83:6,16 83:16 <b>weren't</b> 88:22 <b>West</b> 2:2 91:19 <b>WESTERN</b> 1:2 91:14 <b>we'll</b> 82:8 <b>we're</b> 72:11 73:17 74:24 83:4 <b>we've</b> 18:17 47:21 <b>WILLIAM</b> 2:4 91:21 <b>Willie</b> 25:20 52:8 77:11,12 <b>Willie's</b> 78:6 <b>Willis</b> 1:4 2:11 42:19,25 44:21 45:25 46:13 66:14 71:25 72:25 75:11 77:5 86:8 91:15 92:2 <b>Wilson</b> 23:4,12 23:16 25:5,6	25:11 26:23 27:10 29:2,5 29:11 32:16,21 32:25 33:20 34:3,11 37:15 38:5,21 39:10 39:19 42:3,8 42:19 43:18 45:2,22 46:1 46:20 47:6,25 48:10,18 50:1 50:7,11,21 51:2,17 53:3 54:16,16 57:10 57:12,17,21 58:3,13 66:1,2 67:3 <b>Wilson's</b> 4:14 54:13 <b>Winiarski</b> 45:6 <b>Winona</b> 7:10,11 <b>Wisconsin</b> 1:2 1:16,18 2:3,7 80:19,21 91:1 91:4,8,15,20 91:24 92:16,19 <b>wish</b> 14:7 <b>witness</b> 2:13 4:3 19:24 23:8 89:25 <b>won</b> 12:24 <b>word</b> 34:13,13 44:7,10 51:19 59:22 <b>wording</b> 44:10 <b>wordings</b> 39:3 <b>words</b> 31:8,10 38:17 <b>work</b> 6:15,25 17:6,21,23 18:23 20:4 21:4,7 23:1 44:19 58:16,25 59:5,10,12 75:20 79:11,18 87:16 <b>worked</b> 13:13 45:7 <b>worker's</b> 68:16 68:21 <b>working</b> 47:7 63:4 71:22 86:18,21 <b>workload</b> 69:22 <b>workplace</b> 15:11 15:13 <b>wouldn't</b> 10:14 10:19 12:1,4
--	---	--	---	--



47:7 71:10 76:15,18,19,24 <b>write</b> 15:15 41:23 <b>writes</b> 42:2 <b>writing</b> 25:12 42:5 57:13 77:9 89:4,5 <b>written</b> 8:20 19:14 57:23 58:5 81:22 87:14 <b>wrong</b> 19:3 82:18	70:21 71:10 75:12 88:1,15 88:19,21 <hr/> <b>1</b> <hr/> 1 40:22 61:2 <b>1st</b> 1:18 86:5 91:8 <b>1,158,390.36</b> 82:19 <b>1,210,000</b> 83:14 <b>1,242,000</b> 83:14 <b>1,344,858.46</b> 82:21 <b>1.2</b> 83:13,13 <b>1/16/02</b> 2:18 <b>1/20/02</b> 2:19 <b>10</b> 37:19 52:25 86:17,21 <b>10th</b> 54:8 <b>10-CV-110</b> 1:6 <b>11/13/09</b> 2:21 <b>11/25/09</b> 2:25 <b>111.345</b> 80:20 <b>12</b> 92:20 <b>12th</b> 28:23 29:13 <b>12:03</b> 1:19 91:9 <b>13</b> 20:18 <b>13th</b> 15:12 21:3 <b>1386</b> 2:7 91:24 <b>15</b> 2:20 37:3 <b>150</b> 2:3 91:20 <b>1500</b> 2:6 91:23 <b>15460</b> 2:2 91:19 <b>16th</b> 8:14 <b>160</b> 83:7 <b>1955</b> 5:13 <b>1974</b> 5:15 <b>1979</b> 6:2,13,22 <b>1983</b> 6:23,24 <b>1991</b> 5:19 6:14 <b>1992</b> 7:5,12	<b>2008</b> 21:15 23:25 29:13 45:3,12 <b>2008's</b> 81:18 <b>2009</b> 15:9,12 20:18,19 21:3 32:2,17 34:8 38:21 39:12 42:1 45:2,13 46:18,24 47:24 52:25 60:10,12 64:10 65:2 67:4 68:24 81:8,22,25 82:4,9 83:10 83:12,23 84:9 84:22,23 85:1 85:6 <b>2010</b> 1:18 81:16 81:23 82:1,12 82:16,20 83:11 83:14,19 84:9 85:6 86:5 87:7 87:10 91:8 92:18,20 <b>21</b> 2:18 3:10 8:12,13,19 <b>21-30</b> 4:2 <b>22</b> 2:19 9:3 <b>23</b> 2:20 15:4,4 19:17,20 20:9 <b>24</b> 2:22 60:4 71:6 80:24 <b>2445</b> 1:17 91:7 <b>25</b> 2:23 79:1,1 <b>26</b> 2:24 80:14,14 <b>268,000</b> 84:13 <b>27</b> 2:25 81:12 <b>271-4466</b> 92:22 <b>28</b> 3:1 85:24,24 <b>29</b> 3:2 87:2,3	4 2:14 28:4,21 32:1 33:2,11 34:2 38:6,20 64:23 <b>4/13/09</b> 2:23 <b>414</b> 92:22 <hr/> <b>5</b> <hr/> 5 39:8 69:1 85:4 <b>5th</b> 39:12 <b>5,000</b> 62:21 <b>50,000</b> 74:1 <b>53005</b> 2:4 91:21 <b>54401-1386</b> 2:8 91:25 <b>56,000</b> 73:4 75:9 <hr/> <b>6</b> <hr/> 6 41:9 69:22 <b>6/8/09</b> 2:24 <b>60</b> 2:22 <b>60,000</b> 84:12 85:7 <b>636</b> 6:9 <b>65,000</b> 62:18 67:20 <b>653</b> 34:17 <b>695</b> 80:16 <hr/> <b>7</b> <hr/> 7 46:16 70:2 <b>70</b> 62:22 <b>79</b> 2:23 6:18 <hr/> <b>8</b> <hr/> 8 2:18 52:21 <b>8th</b> 81:8 <b>80</b> 2:24 <b>81</b> 2:25 <b>82,000</b> 67:8 73:6 <b>86</b> 3:1 <b>87</b> 3:2,3 <hr/> <b>9</b> <hr/> 9 2:19 <b>9th</b> 60:10,12 81:2 92:18
<hr/> <b>X</b> <hr/> X 2:12,16 <b>Xtra</b> 52:22 <hr/> <b>Y</b> <hr/> yeah 16:17 42:22 54:5,7 60:6 73:5 79:3 87:4 <b>year</b> 5:14 6:1 12:5 62:4 68:11,18 73:4 73:20,22 74:23 74:25 75:9 <b>years</b> 7:5,17,24 11:5 18:14 52:5 63:9 <hr/> <b>Z</b> <hr/> Zalewski 2:6,8 4:18 19:23 23:6 55:14 89:15,23 91:23 91:25 <b>zero</b> 84:25 88:4 88:12 <b>Zoning</b> 17:14 <hr/> <b>\$</b> <hr/> \$1,158,390.36 82:12 \$1,322,479.25 82:10 \$164,000 83:7 \$43,000 73:22 \$60,000 83:6 \$65,000 62:4 73:20 \$70,000 73:14 <hr/> <b>0</b> <hr/> 08 28:23 09 41:12 69:17	<hr/> <b>2</b> <hr/> 2 17:25 62:24 63:12 81:17 <b>2nd</b> 8:6 32:1,17 42:1 <b>2/9/09</b> 2:22 <b>2:11</b> 90:2 <b>20</b> 37:4 <b>20th</b> 9:6 <b>2000</b> 7:18,20 <b>2002</b> 7:25 8:14 9:6 <b>2003</b> 8:6 65:5 <b>2004</b> 65:5	<hr/> <b>3</b> <hr/> 3 27:24 28:6 65:18 68:22 <b>3rd</b> 41:12 46:17 46:17,18 47:24 87:7 <b>3/1/10</b> 3:1 <b>3/29/10</b> 3:2 <b>30</b> 3:3,10 87:2,2 87:8 <b>30th</b> 5:13 15:9 <b>31,000</b> 83:11 <b>330,000</b> 84:13 <b>34,000</b> 75:5 <hr/> <b>4</b> <hr/>	